

# NATIONAL MUNICIPAL REVIEW

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## VIEWS AND REVIEWS

### *Hard Boiled Partisanship*

The greenest voter knows that our politicians believe in the spoils system but civil service reform has discouraged public profession of faith in it. In Pennsylvania the legislature is considering a proposal to call a constitutional convention. A good many people think that the convention will profit if at least a few Democrats are elected to it, if only as a background on which to display superior Republican wisdom. It would seem only fair to recognize the party of Jefferson and Jackson occasionally in the Keystone State, say twice a century when constitutional revision is up.

Some Pennsylvania Republicans, accustomed to rule without consulting the Democrats, cannot see the force of this reasoning, and for them Representative Dunn of Philadelphia has spoken "Why should there be minority representation? I believe that to the victor belong the spoils. Let the Democrats put up a fight, and if they win I will be satisfied to have them throw out all the Republicans."

A fine sporting spirit! No fool talk about non-partisanship or civil service.

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*National Parks  
Inviolate*  
Secretary of the Interior, Judge John Barton Payne, at the hearings on the Walsh bill before the Senate Committee on Irr-

*igation, March 1, 1921:* "In my view, the greatest asset, stated within reasonable limitations, of the country are such national monuments and parks as the Yellowstone, the Grand Canyon, and other national parks which the congress from time to time has set aside. . . . If you once establish the principle that you may encroach upon a national park for a power or reclamation purpose, you have commenced the end. . . . Wherever there is a contest between conservation and utility, the utility is always working, and unless the people who stand for the broader view always stand and fight sooner or later utility will get the advantage and the conservation will pass. . . . There is a heap more in this world than three meals a day."

*J. Horace McFarland, President of the American Civic Association, at the hearings on the Walsh bill, February 28, 1921:* "We cannot have in the same place a natural reservation and a series of irrigation reservoirs. If we are to maintain the national parks as great and beneficent examples of the wonders of nature and of the unmatched scenery of our broad land, we must wholly exclude from them any other purpose than that to which they were devoted by congress. . . . There can be no true compromise: there can be no proper combination of lake and reservoir."

*Democracy and Business Efficiency*

There is much talk these days about the inefficiency of government and the need for a business administration. Not everyone will agree with Mr. Ely, who, writing in this issue, would superimpose corporation management on the government machine of the United States. He likens congress to a board of directors over the president and the reorganized cabinet to the small "inner council" of the Peace Commission. What could be further from the genius of our republic? The corporation operates more smoothly than the government largely because it is autocratic. As for the small "inner council" of the Peace Commission it appears to have been successful in securing arbitrary advantages for the few who participated, but where is the man who would claim that it was satisfactory to the people? How does the "inner council" fit in with our republican ideals? Leadership we desire, but is not the whole spirit of our modern polity for the participation of more, rather than fewer, interests in public affairs?

Corporation organization, of course, has been the modern contribution to business management, but it is still about in the stage of the smooth monarchical government of Charlemagne in France, or the early Edwards in England. Who can claim that the present-day corporation is democratic in practice? Industrial democracy is yet in its infancy. Our problem is to preserve participation of the people and at the same time to see that technical knowledge, professional ability and personal integrity are so valued by the public that they will be used in the business of government.

H. J.

The Post-Office Department has for the present become the proving ground on which the merit system is to be tested to discover what the American people think of it. The question will be decided probably before this appears in print.

In accordance with campaign pledges, President Wilson, on March 31, 1917, ordered that thereafter postmasters of the first, second and third grades (the presidential class) be appointed only after the qualification of applicants had been determined by civil service commission standards. The order was not retroactive and applied only to future vacancies. A recent official tabulation shows that the order has been carried out in good faith and that the appointments made since the above date have drawn about equally on both parties.

Presidential postmasterships are nice plums, and the pressure on President Harding to revoke the order can be better imagined than described, particularly since under it present Democratic postmasters are blanketed in. But, by the shades of democracy, why should 286,000 postal employes be under the merit system while 11,000 postmasters, subordinate executives, should be selected on the basis of party service? Reports are that Postmaster General Hays will recommend that the executive order be continued, with "such rectifications as in all decency and fairness must be made to secure a square deal." (Remember that more than two-thirds of present postmasters are Democrats appointed before the executive order was made.)

It is to be hoped that Mr. Hays will discover that the real opinion of the country requires the abolition of the spoils system from post-office affairs.

# SIMPLER ZONING REGULATIONS

BY HERBERT S. SWAN

MORE than passing interest should attach to the zoning ordinance adopted recently by the borough of Cliffside Park, New Jersey. Its most notable contribution is that for the first time in the history of such legislation in this country it combines the height, use and area zones on one map. The New York ordinance passed in 1916 contained three separate and distinct maps—one for each of the different kinds of districts. Up to the time of the Cliffside Park ordinance, all of the zoning ordinances passed followed the New York precedent.

When it is recalled that each of these different maps outlined from three to five different kinds of zones not coterminous with one another, the complexity of the regulations becomes apparent. Thus the New York regulations, though theoretically susceptible of 75 separate and distinct combinations, are actually applied to the ground in such a manner as to form 36 kinds of districts each with regulations differing somewhat from those of all the other districts. In the Newark ordinance the writer reduced the number of kinds of districts actually used to 25; in Yonkers, to 15; and in White Plains to 11. Each of these respectively in its turn served to simplify the application of the law. To what extent these regulations were improvements on what had previously been done may be suggested by those precursors of modern zoning regulations,—the Minneapolis and Berkeley ordinances which, unthinkable as it

may seem, permitted several hundred different kinds of combinations.

Truly, progress is being made.

The Cliffside Park measure establishes only six different kinds of districts—one-family dwelling districts, two-family dwelling districts, multi-family dwelling districts, business district, industrial districts, and heavy industrial districts. Each of those different districts is supplied with its own independent set of height and bulk regulations. Instead of having to examine three different maps to ascertain how the zoning regulations affect his property, the resident of Cliffside Park has to examine but one. The advantage of having but one map is obvious,—it reduces zoning to its A, B, C.

For communities having different types of buildings pretty well segregated in different localities, and where the conditions are not too complex, it is thought that the Cliffside Park ordinance will mark a new departure. It is, however, not claimed that the height, use and area regulations can always be combined in one set of districts as was done in Cliffside Park. Where the conditions are very heterogenous and considerable elasticity is desired to suit the most diverse types of development, it may still prove desirable as hitherto, to utilize three maps and three sets of districts in order properly to adapt the regulations to the existing or prospective building development. It all depends whether simplicity or elasticity is the keynote to any particular case whether one or more maps need be used.

# THE "CRIME WAVE" IN TOLEDO

BY WENDELL F. JOHNSON

*Secretary, Commission of Publicity and Efficiency*

*A sharp increase in spectacular robberies with which the police did not cope successfully leads Toledo to believe that a crime wave was on. The results of her crime survey may reassure other cities. ::*

THE crime survey made recently by the Commission of Publicity and Efficiency of Toledo disclosed the fact that while there has been a general increase during the last five years in the number of important crimes, "the increase has not been in the nature of an avalanche, and it is questionable whether it could be characterized as a 'crime wave.'"

The survey covered complaints of major crimes committed during the five years from 1916 to 1920, inclusive. By major crimes is meant those crimes looming up most prominently in the record, either because of the number committed, or because of the seriousness of the crime itself. The classification of crimes selected for the purpose of the study was as follows:

1. Homicide.
2. Robbery.
3. Safe blowing.
4. House breaking and entering.
5. Larceny.
6. Larceny from person.
7. Forgery and bad checks.

No attempt was made to compare the number of arrests made with the number of complaints received, nor the number of convictions secured. The survey endeavored merely to classify the crimes actually committed or reported to the police, and to show the variation in the number of each class of crimes from month to month over the five-year period.

The survey disclosed that there were

fewer homicides in 1920 than in any other of the five years. A total of 25 homicides was reported as against an average of 34 for the period. The greatest number reported was in 1917, when 46 homicides were committed.

## ROBBERIES MULTIPLY

A general upward trend in robberies was observed, the totals for the five years being respectively 339, 449, 428, 567 and 536. A sharp rise during the last months of 1920 in the number of robberies, the most spectacular of crimes, probably accounts for the local feeling that a crime wave is in progress in Toledo. It is this class of crimes that has been played up in newspaper headlines during recent weeks. Viewed in perspective, however, with previous years, the number of robberies seems less alarming.

A more rapid increase occurred in the number of complaints of safe blowing. In 1916 only seven complaints of this sort were received. In 1920, 36 complaints were recorded. It is interesting to note, however, that the number was slightly less in 1920 than in 1919.

Complaints of housebreaking and entering were more numerous in 1920 than in any of the other five years, although the record for a single month was made in October of 1916, when 165 of such complaints were counted. The highest number reported in 1920 was 159 in the month of October. The

average for the five years was 1,074 per year. The number reported in 1920 was 1,314, or about 22 per cent more than the average, and about 50 per cent more than the number reported in the first year of the period.

Miscellaneous larcenies, exclusive of automobile thefts, were fewer in 1920 than in 1919 or 1917. The average for the five-year period was 2,492 per year. The number committed in 1920 was 2,685. The last four years of the period covered showed a considerable advance in larcenies over the number committed in 1916, when only 1,660 were counted, or 33 per cent less than the average.

The greatest increase in any one class of crimes occurred in the number of automobile thefts. In 1917, 247 automobiles were stolen of which 200 were recovered. In 1918, the number jumped to 776 stolen and 660 recovered. In 1919, 1,006 were stolen and 752 were recovered. In 1920, 1,138 were stolen of which 877 were recovered. There were stolen last year more than four and one half times as many automobiles as were stolen in 1917. The number of thefts increased 364 per cent in four years, while the number of recoveries increased 338 per cent. In other words, relatively fewer cars were recovered in 1920 than in 1917.

#### PICKPOCKETS FEWER

It is interesting to note that larceny from the person is declining in frequency. Fewer crimes of this sort were reported than in any other of the

previous years. The average for the five-year period corresponds with statements from the police, who say that pickpockets are finding less opportunity to ply their trade as the people become accustomed to greater watchfulness when in crowds. Another reason given is that this class of criminal has left the pickpocket profession to engage in whiskey-running and other more profitable pursuits.

A considerable increase was found in the number of complaints of forgeries and bad checks. While 1920 was slightly better than 1919 in this respect, the number of complaints received during the last year was 88 as against an average of 66 for the five-year period.

#### FEW CRIMES IN 1918

It is interesting to note that in all the crimes, the year 1918 showed a remarkably low record. This same thing was found true with respect to Detroit in a recent survey of crime made by the Detroit Bureau of Governmental Research. This was recognized as an abnormal year with all crimes decreased.

The commission points out in their report that there is no particular cause for hysteria over the crime situation, but that the police should be better equipped to cope with the spectacular robberies, in which fast automobiles make possible the escape of the bandits. As a result of the report the Toledo police department is to be given six high-powered automobiles to be held in reserve for this purpose.

# FUNDAMENTAL OBJECTIONS TO THE WALSH BILL

BY FREDERICK LAW OLMFSTED

*The Walsh bill permits the Yellowstone river to be dammed three miles below Lake Yellowstone in favor of private interests. It is a menace to Yellowstone park, as will appear from the following statement made before the Senate Committee on Irrigation.* ::

1. This bill would definitely and irrevocably withdraw not merely from the agency which congress has set up for the administration of the national parks, but absolutely and finally from all agencies of the federal government, the power of decision and the right of delegating the power of decision, innumerable matters of design, construction, maintenance and operation intimately affecting Yellowstone Lake, which is the central feature of the Yellowstone national park, and would transfer these powers, through the state of Montana, to an agency or agencies whose purpose and whose positive duty would be not primarily the conservation and enhancement of the values of the park for the people of the United States, but the protection and enhancement of certain local property values and other local interest at the lowest practicable cost to the people immediately concerned.

2. Where it is possible and advisable in the management and operation of property for any given purpose to secure incidental values, or by-products, through serving also some secondary purpose, it is essential to businesslike administration that the final power of practical control over the operations which are directed to securing that by-product must remain with those who are responsible for securing the principal values. Otherwise the by-product

is liable to be secured at an excessive sacrifice of the principal values.

For example: The principal business of public schools is education; although it is often practicable and desirable to use public school buildings for other purposes in addition, such as public meetings. Yet it would be manifest folly to divest the board of education permanently of the power of determining when and how public meetings are to be held in the school buildings and to place it in the power of some other body to settle such matters when their opinion differs from that of the board of education.

3. These considerations apply with peculiar force to parks, because the precise manner and conditions of their most effective service to the public, and the precise effect of any physical operations upon the quality of their natural landscape and upon their general value are very difficult to determine with precision in advance; and especially because the result of any given methods of operation and management is cumulative over many years of growth and betterment, or of gradual deterioration, and often the effect is not generally appreciated until the causes have been at work for a long time. It is one of the most important functions of a park administration to be watchfully alert to such cumulative effects and tendencies of the methods employed and uses

permitted and to correct the inevitable mistakes of judgment as far as practicable before their injurious effects become excessive.

4. This bill and other propositions to use national parks for incidental or secondary purposes which are entirely distinct from those for which the parks were created—propositions to secure valuable by-products of an economic sort from the parks while maintaining them for their principal purposes—are ostensibly predicated on the assumption that these by-products can be secured without impairment of the value of the parks as parks.

I cannot too strongly emphasize the lesson which I have learned from years of experience with park administration all over the country, that the only safe way in which to obtain any such by-products without material and often fatal sacrifice of the prime park values is to place the responsibility for, and effective permanent control over, all the details in the hands of those whose duty and purpose it is to protect these prime values.

A thorough and impartial investigation might establish or might disprove the practicability of so regulating the outflow of Yellowstone lake as to secure material economic benefits without injury to the value of the park for its proper purpose. But if this possibility should be clearly established, I am positive that the only safe way to attempt its realization would be to place the complete and undivided responsibility for all the work upon the same agency which is made responsible for maintaining the park values as a whole; to the end that this economic by-product should be secured just in so far as it is compatible with the prime purpose of the park, and *no farther*.

Any other method is equivalent to a city's giving to a convention bureau the

right and duty of determining when and how it will use a high school auditorium regardless of the opinion of the board of education.

5. If you ask me for a specific opinion on the general proposition of regulating the outflow of Yellowstone lake, aside from the fundamentally mistaken method of accomplishing that result which is proposed in the present bill, I can only say that I have not yet had opportunity to study it with sufficient thoroughness to venture a positive professional opinion.

A dam of the sort indicated in the prospectus now before your committee, operated under the conditions laid down in that prospectus, would be certain to injure the park appreciably; and if operated with first regard for the interests of its local beneficiaries rather than for the interests of the users of the park, as would be the inevitable result of alienating its management and control from the United States, would be likely to work a surprising amount of injury.

Whether a dam and regulating gates suitably designed and suitably operated with an appreciative and skillful understanding of park requirements could accomplish, without appreciable net injury to the park, economic results worth more than the cost of construction, maintenance and operation, I am not prepared to say without a thorough study of the conditions.

But I would no more think of alienating the right to construct and operate such regulating devices to local interests, than an irrigation district whose object is to draw upon its reservoir for the maximum supply of water during two or three months would freely and irrevocably entrust the operation of its reservoir to a power company whose object is to secure a steady flow of water throughout the entire year.

# MUNICIPAL STREET CLEANING WINS IN PHILADELPHIA

BY JAMES W. FOLLIN

*Bureau of Municipal Research of Philadelphia*

## I

THE first substantial victory in Philadelphia's long fight against "contractor rule," which fed largely on street cleaning contracts, was gained when the city began on January 1 to clean a number of its own streets. The second victory was won when the mayor later announced that next year all street cleaning will be done by city forces. Philadelphia has at last been convinced that municipal street cleaning and garbage disposal is not socialism.

Under Philadelphia's new charter which went into effect on January 5, 1920, it is provided that after December 31, 1920, street repairing, street cleaning and the collection and disposal of city wastes should be performed by municipal forces, unless contract work in whole or in part should be authorized concurrently by the council and the mayor. Prior to the advent of this new provision, these services (with the exception of emergency street repairs) had been performed by contract in accordance with the requirements of an act of the Pennsylvania assembly in 1869. Since it was apparently uncertain whether the authority was given the city to contract for a longer period than one year, one-year contracts had been employed and there was no real competition in the bidding for the work.

The fight for charter revision in Philadelphia, which began in 1917 and resulted in the passage of a new charter in the 1919 session of the legislature,

was waged very largely over the subject of municipal contracts and contractor government. Moreover, the municipal election of the fall of 1919 centered around this same issue and the successful candidate carried in his platform pledge the statement that "the city must clean its own streets and provide for the efficient collection and disposal of garbage."

The new administration went into office, therefore, pledged to municipal street cleaning and with a year of grace in which to make its preparations. For director of public works the mayor chose John C. Winston, a widely known book publisher and reformer who had been chairman of the charter revision committee. Mr. Winston was immediately confronted with the enforcement of street cleaning contracts drawn and awarded by the previous administration. He found difficulty in reorganizing the street cleaning bureau and was unfortunate in his selection of a new bureau chief. Under the strain of the work Mr. Winston's health broke, and he died in the early spring. His work was carried on by the assistant director, Joseph C. Wagner, until the middle of July, when the present incumbent, Frank H. Caven, was appointed.

## II

After several months of inactivity in these matters, a special appropriation was made available about May 1, 1920, for a study of the street cleaning situation. A special force was assembled to

compile and digest pertinent information, and a committee of engineers was sent to some fifteen of the large American cities to observe street cleaning work. This committee (consisting of two engineers in the city's employ and the present writer) made a report in July recommending the inauguration of municipal street cleaning in the entire city in 1921. Just prior to August 1, proposals for contract work were advertised in accordance with optional provisions of the new charter, and bids were opened September 15.

About October 1 the administration sent recommendations to council for only partial municipal work in 1921, with the explanation that it was impossible to assume these functions for the entire city because of the financial, organization and equipment problems involved. The plan for a partial program was approved by council and went into effect on January 1, 1921. To-day municipal forces are cleaning the streets and collecting refuse in two of the thirteen street cleaning districts, while contract forces cover the remaining districts. The municipally cleaned districts are in the center of the city and include the retail business district and residential sections of both high grade and low grade character, as well as wholesale and industrial sections. The city has purchased and is operating the garbage reduction plant formerly owned by the Penn Reduction Company, which had held a monopoly on garbage disposal for a number of years.

The mayor has announced on two occasions since December 1, 1920, that next year all of the city cleansing work would be done by municipal forces. This declaration of policy has been received with approbation by those who have realized that the first step to clean streets in Philadelphia was the introduction of municipal work. However,

if the mayor had stated his position six months previously it would have cleared away the uncertainty and misapprehension which existed at the time that plans were under discussion for the year 1921. The administration's plans for 1921 were sent to council without any expression of policy on the issue between municipal and contract work, or a statement as to whether municipal work would be extended or suspended in 1922. Naturally there was apprehension about the fulfillment of the charter requirements.

As we look back over the events of the past eighteen months it is evident that the fate of municipal street cleaning hung in the balance while the mayor made up his mind as to the value of a change in procedure that had been written into the charter by "reformers and theorists." In spite of the fact that all other large cities employ municipal forces for street cleaning, and that this service is not properly susceptible to contract performance because it cannot be definitely specified nor adequately inspected, the mayor was originally dubious of municipal performance. On one occasion he referred to municipal street cleaning as "municipal ownership" to which he is opposed in principle. It is quite apparent that a non-revenue producing service of the type of street cleaning cannot be compared with revenue producing public utilities on the public ownership and operation of which public opinion is divided. Recent statements by the mayor indicate that he has probably decided the issue on this last named basis, and has not become an advocate of municipal ownership and operation in general. He made himself clear on this point when he stated his position as opposed to municipal operation of the city-owned gas works after the present operating lease expires.

# WHERE TO BEGIN IN TOWN IMPROVEMENT

BY HARLEAN JAMES

*Secretary, American Civic Association*

*If your town is dead, you can't sell it a park program or a city plan right off the bat. What it needs is a new civic conscience. Begin with a garden committee.*

Two very common initial mistakes have in many towns delayed the civic improvement desired by its promoters. The first is one of personnel and the second one of subject matter.

In considering the first, let us remember that every community is provincial and inclined to resent reforms advocated by outsiders. We in Pikesville do not welcome public officials from Blanksburg. Indeed in the case of public officials we usually see to it that the law requires a residence of some years in our town before a citizen becomes eligible for public office. We believe that our problems are so specially our own that only one who has had long acquaintance with them is fitted to solve them properly. And while we cannot pass a law against a newcomer who insists on reforming us, we can criticize and ridicule and hold back so that it is very nearly impossible to effect changes in our town. Therefore it is the part of discretion that the movement for civic improvement in any town should be led by those who are considered "old timers." No matter whose the ideas, the outward and visible leadership should be native sons and daughters or those who have been completely adopted by the town.

The mistake of subject matter is that which might be typified by offering a college education before that of the primary grades. Civic reformers who have become imbued with the enor-

mous advantages of regional planning and civic centers are apt to believe that a town can be re-made and modernized by voting bonds or increasing the tax rate to produce large sums of money to be spent in parks, playgrounds and paving, and they are surprised and pained when the voters and taxpayers refuse to authorize these expenditures.

Now parks, playgrounds, civic centers, street improvements and regional planning are all undeniably desirable ends, but voters must be led to believe in them before they can be expected to vote the rather large sums of money necessary to make any considerable showing. How shall we find means to bring the importance of these town improvements home to the voters? Perhaps if we clean up the town, the residents will find themselves more interested in improving the place. But it is not always possible to enlist the sympathies of everybody in "clean-up campaigns." Some people resent being told about their back yards and cellars. They consider these their personal affairs and they hold that no one has a right to prevent them from sweeping their own trash into the streets in front of their own houses.

## GARDENS INTEREST EVERYBODY

There is, however, a subject on which every person can be approached

without fear of offense and which leads inevitably to cleaner premises and cleaner streets. Over a long period of years, with a knowledge of thousands of conversations, I have never heard of a single person who would not "open up" cordially to exchange information concerning gardens. It is the one subject on which an "investigator" is never snubbed. From the owner of a single stunted geranium growing in a tin can to the grower of an elaborate perennial garden, or the cultivator of an efficient vegetable plot, seeds, manure, plants, weather, tools and results are invariably-accepted topics of conversation. And since no town can go very far without the human co-operation of all classes of its people the garden movement has the advantage of providing, in addition to a certain degree of actual physical improvement, the means of association between people who, in the beginning, may have no other interest in common.

From a rosebush to a well-planned park and playground system may seem a long journey, but the rosebush route is vastly more effective than the more usual way of trying to impose an elaborate town and park plan upon an unwilling and unappreciative people. It may seem very "amateurish" to some of our park experts to advocate as the first step in town improvement the organization of a garden committee. But ten or fifteen years hence, the town with the garden committee may well incorporate quite ambitious plans into its budget, whereas the town which to-day buys an elaborate plan and tries to foist it on an unready population may, at the end of a decade, find itself no nearer to the realization of its fine plans than it was the day they were made and laid on the shelf until the town should appropriate the money, or perhaps pass the ordinances, necessary for putting the plans into effect.

#### GARDEN CONTESTS

One of the best ways to organize a garden committee is to offer prizes through the local newspaper. All amateur gardeners should be encouraged to enter their gardens in the contest. First, second and third prizes may be offered for:

1. The best back yard flower garden.
2. The best back yard vegetable garden.
3. The best front yard in plan and condition.
4. The best vacant lot vegetable garden.
5. The best children's flower garden.
6. The best children's vegetable garden.
7. Any special prizes, such as those for roses, bulbs, largest and best collection of vegetables.
8. Window boxes if the houses are built flush with the street so that front yards are eliminated.

The committee may organize trips of inspection and arrange score cards for marking progress. Window boxes should be visited once in the late spring and prizes awarded in the early summer. Flower and vegetable gardens should be visited twice during the summer and prizes awarded in the early autumn. A special committee is usually gathered together to make the third and final visit to a selected number of gardens distinctly better than the general average. A local committee which formerly used quite an elaborate scale has finally reduced the scoring to "production" and "condition," because of the obvious difficulties in applying evenly and fairly a scientific scale when the visits are made by different groups of volunteers.

The work required to raise the money for the prizes, the publicity of listing entrants, the news secured in making visits and the honor conferred on the prize winners all help to popularize the movement. The use of vacant lots for gardens involves the cleaning of the lots and their consequent improvement. The use of vacant lots may usually be secured without cost

until they are needed for building purposes. Often philanthropic owners will have the lots cleaned and plowed. In any case the rules for entrants should require that the gardens be kept weeded and that a succession of crops be planted instead of allowing bean vines and corn stalks to wither and die in weedy desolation. Vacant lot gardens present a better appearance if the space is laid out as a whole and bordered by flowers. Five-cent packages of zinnias and corn flowers will make a showing at first and more elaborate borders can be planted later. In case of permanent gardens perennials may be started which will give a succession of blossoms each year.

The children's gardens will need supervision if this is not furnished by the schools. The trial-and-error method may be good pedagogy, but it does not produce good gardens. A little knowledge is essential to success in growing flowers and vegetables. It is ordinarily quite worth while for a garden committee to raise the money to pay a supervisor during the summer months. The supervisor may also prove of great help in handling the adult contests.

#### A GARDEN FAIR

One of the most effective and pleasurable ways of raising money for gardens is to hold an out-of-door flower market or garden fair in May. Here all kinds of seeds and plants may be placed on sale. Tools, baskets, benches, garden hats, cotton gloves, weeding mats and garden accessories of great variety may be included. Some of the things may be secured by donation and others may be sold on commission. If the town orchestra or other music is provided the fair will prove more festive. Lunch and soft drinks should of course be served.

These can usually be provided by donations. A milk booth exhibiting milk products and selling milk punches, cheeses, buttermilk and sweet butter may be made a source of education and profit. Usually the county agent or the state college of agriculture will co-operate in this and other ways. The college will sometimes send a garden exhibit. A tree booth may encourage tree planting, and, if a shade tree committee is formed, information can be given concerning shade trees best adapted to the climate and those most effective in combination with the native trees and varieties already planted in the streets. Groups in certain blocks may be urged to agree on a method of planting that block or more ambitious street-tree planting schemes may be adopted. Demonstrations can be given at the booth in methods of transplanting and caring for trees.

It is an excellent idea to buy seeds in quantity from some reliable seedsman and to put them up in garden committee packets for sale at the fair and during the season. With a little instruction volunteer workers can help at this task which in itself helps to arouse interest and enthusiasm. Poor seeds, bought at the corner grocery, often serve to discourage the amateur gardener. The seeds sent out by congressmen, while they will sometimes grow, are not to be depended on and most garden committees have found it cheaper and better policy to provide good, reliable seeds in order to prevent the waste of time and labor involved in planting seeds that fail to germinate or those which produce poor stock. Enthusiasm of amateur gardeners is built upon good results and it is not wise to jeopardize results in any element that can be controlled.

Enough money can usually be raised at the garden fair to pay for supervision

of the summer's gardens and cover the prizes. The merchants of the town will ordinarily help by contributions of cash or kind. In the autumn an exhibit of garden products and public conferring of prizes can be combined into an interesting event.

#### OTHER CIVIC VENTURES

The garden committee can undertake, with the co-operation of the agricultural college, the improvement of the school grounds and plots around the public buildings if they are not already cared for by a town department. In fact there are many activities that will suggest themselves to the workers of the town as they go about looking for new fields to conquer. After a single season of gardens a town might well embark the following spring on a general clean-up preparatory to the garden activities of the summer. Some of the prizes awarded in the autumn may have been bulbs, which will add materially to the desire to clean up in the spring.

A town which has aroused the interest of everybody in gardens and es-

tablished contact between its residents might then venture on a park and playground campaign with some assurance of success. The street-tree program should have brought the overhead wire evil to the front and possibly banished the wires to the alleys or back fence lines if the town cannot afford underground conduits. The treatment of streets in paving, parking, sidewalks and shade adapted to the uses of the street might well become in due time the subject of intelligent interest and so be followed by actual action.

Indeed, starting from an active garden committee and a town-wide participation in garden contests, all the more intricate problems of town planning, treatment and arrangement of streets, protection of residence zones, grouping and treatment of public buildings, treatment and route of main highways connecting with other towns, all of which require expert advice and substantial expense, might be achieved through the understanding and sympathy of all the people, a method based on sound democratic principle and applied in a way to develop habits of human co-operation.

## HOW WE RUIN OUR GOVERNORS

BY ALFRED E. SMITH  
*Former Governor of New York*

*"How long would any great corporation live if the man directing its affairs was compelled to spend 75 per cent of his time doing clerical work?"* :: :: :: :: :: :: :: :: :: ::

How long would any great corporation live if the man directing its affairs was compelled to spend 75 per cent of his time doing clerical work, signing papers, listening to reports that might well be directed to a competent subordinate? Can you imagine Judge Gary of the Steel Trust, signing three copies of every lease that that corporation makes?

Can you imagine him reading over the contract for the removal of ashes from one of the plants? Can you imagine him signing hundreds and hundreds of papers that might well be signed by the attorney of the corporation or by a vice-president or some equally responsible individual?

Theoretically the governor is the

head of the government. He is supposed to plan the broad administrative policy. People think that he deals with large affairs. As a matter of fact his energy is consumed by trivial details of a clerical or subordinate nature. There is little time and strength left for the high functions of his office. In addition to the reorganization of administrative departments to give him easy control and supervision over executive affairs, the governor must be relieved from scores of petty duties which demand his attention at serious detriment to his work for the people.

The most annoying duty that is placed upon the governor is his chairmanship of the trustees of public buildings. The capitol and agricultural hall in Albany are directly under the control of the trustees of public buildings, and the law contains a provision that all leases made between the state and the various landlords must be executed by the trustees of public buildings.

The trustees consist of the governor, the lieutenant-governor and the speaker of the assembly. It has been the fact for years that these three men come from widely different parts of the state. For the most trivial things the governor must call these men, after the adjournment of the legislature, from their homes to attend meetings for routine business.

The superintendent of the capitol should have some of the power now reposing in the trustees. He should be empowered to dispose of useless furniture and fittings. As the law now stands he cannot dispose of a broken desk or a broken chair (I had to confer over some desks worth \$1.25 each) without the consent of the trustees of public buildings. They have to award all contracts, and before the contract to take the ashes out of the power house can be renewed the trustees must

meet and pass upon that solemn proposition.

The state makes hundreds of leases in various cities for branches of the different state departments. Even for the small gas testing station required by the public service commission, the rental of which may be only twenty dollars a month, the governor and other trustees must sign three copies of each lease. Before part payments can be made for contracts for repairs to the capitol the trustees must approve, although the determination of the matter is naturally in control of the state architect.

#### JANITOR DUTY

If a room is to be painted in the capitol or a new strip of carpet is to be laid, there must be a meeting of the trustees, and the work cannot progress until the governor lays aside his other duties and takes up for consideration the question of a few pots of paint.

The superintendent of buildings is so limited in his authority that he is really the janitor of the building, and seldom makes any important move without seeking the advise of the governor or his secretary, all of which takes considerable time. His powers should be amply extended. He should be given the same authority as other department heads. That would relieve the governor greatly.

#### SIGNING PAROLES

The law requires that the governor sign all the parole sheets before men are liberated from the various prisons of the state, even after they have completed the minimum time for which they were sentenced. This is an absolutely useless proceeding. The governor can have no personal knowledge of it, and simply signs the sheets certified to him by the board of parole.

They properly should be signed by the superintendent of prisons, he being in possession of all the records. They are brought before the governor, and without any knowledge of his own, and no opportunity of gaining any, he simply goes through the empty formality of signing them. They come with great frequency. Every time the board of parole meets, the lists are brought in. Not only must they be signed by the governor, but they must be attested by the secretary; thus the time of two busy men is taken up in a useless performance, which should be handled entirely by the superintendent of prisons.

In order that police officials appointed by railroad companies may have a state-wide power of arrest, some time ago the law was amended providing for their appointment by the governor. That means that large stacks of certificates of appointment of railroad policemen are laid before the governor for his signature. He does not know the men he appoints, and has to rely upon the railroad as to their integrity and honesty when having conferred upon them by the governor the power of arrest. If such appointments are necessary (which is probable) by some state power, it certainly ought not to be in the hands of the governor. I have spent whole hours at a time writing my name to appointments of railroad policemen. These men should be appointed by the attorney-general who has deputies to assist him in his work. Unfortunately there is no deputy governor.

#### AN ARMY OF NOTARIES

All applications for notaries public—and there are some 65,000 of them in the state—are sent to the executive chamber, making necessary a whole department in the governor's office for

the handling of the applications. This function does not belong in the executive chamber. It should properly be either in the attorney-general's office or in the office of the secretary of state, where a large part of it might well be performed by deputies.

There is a provision of law which requires the governor to sign all contracts for repairs and betterments in the state hospitals—not only sign the contract, but also the architect's blue-prints. He knows nothing about it and signs them usually upon the recommendation of the state architect. The law ought to be amended so that they be signed by the architect himself, and if there must be any check on the architect, it certainly should be by somebody in a position to know something about it, and not the governor.

#### STATE CONSTABULARY

The act creating the state constabulary contains a provision that the constabulary are not to exercise their powers in case of strike or riot within the boundaries of an incorporated city without the consent of the governor. This provision operated to make the governor the police commissioner when troops are needed for the suppression of riots inside of cities.

The result of this has been to cause the governor not only annoyance in the daytime, but at night. I was frequently called out of bed at night by the officials of small cities asking for the assistance of the state constabulary. In a great many instances their troubles were imaginary.

I have in mind one particular case where I was called up in the middle of the night by one official of the government of a city asking for the constabulary and called up an hour later by another official of the same city advising me not to send them in. That made

necessary a conference in the nighttime with the superintendent of the state police and we satisfied everybody by sending the men there in citizen's clothes.

#### LAST-MINUTE BILLS

There is another important matter that deserves serious attention, that might be easily remedied. It would require only legislative action, either by amendment to the rules, or if not, by amendment of the legislative law, to prevent the dumping of a large number of bills into the executive chamber, giving the governor only thirty days to consider them.

At the last session of the legislature I had 856 thirty-day bills. That meant that I was given only thirty days to consider 856 bills. A great many of them were purely local in character; a great many of them were bills empowering the court of claims to hear and audit claims against the state.

This could be remedied by an amendment to the rules of the senate and assembly prohibiting the passage of purely local bills after a certain date in the session, so that the legislature may pass its unimportant local bills in the early months of the session, leaving the calendars clear at the end of the session for a discussion of the large proposals that affect all the people of the state.

This procedure would also give to the governor plenty of time and opportunity, in the thirty-day-bill period, to study out the larger proposals, and not have his time and the time of his office force taken up in passing on little local matters.

My experience at the close of the last session showed me that the large

number of bills left with me could not be intelligently disposed of unless I worked from 9.30 in the morning until 1 or 2 o'clock the following morning. It is too much of a strain to put on the governor, and leaves him useless for some time after.

#### OTHER SMALL DUTIES

There are numerous other small detail duties that fall upon the governor in dealing with the great number of boards and commissions that we have transacting the state's business. The governor would be greatly relieved by the passage of the constitutional amendments reducing the large number of boards and commissions to eighteen departments of government, presided over by men given by law the necessary power to transact all the business of their departments.

The governor is unable to deny to citizens of the state serving on boards and commissions without salary, an opportunity to present to him their views about what is going on in their different institutions. Nothing takes more of the governor's time than listening to the complaints about the management of various institutions, large and small, all of which detail ought to be up to a man charged with that duty and with no other. It is because of that condition that I had to make a special trip to Bedford Reformatory, following the recent newspaper stories of riot and disorder at that institution.

The total net result of a New York governor's too-plentiful duties is that the great, big, prominent questions that affect the welfare of a commonwealth of over 10,000,000 people are subordinated to the small, tiresome and irritating tasks that are put upon the governor by statute.

# OMAHA'S EXPERIENCE WITH THE COMMISSION PLAN

BY VICTOR ROSEWATER

*It was predicted in short ballot pamphlets long ago that Omaha's non-partisan ballot of seven offices, instead of the usual five or three, would automatically lead the voters again to dependence upon slates made up by interested parties and give advantage to slate candidates over independents. This prediction has proven correct. Otherwise this story reports typical results of defects inherent in commission government.* :: :: :: :: :: :: :: :: :: :: ::

How has commission plan of city government worked in Omaha? Has it met the expectations of its advocates and sponsors? What advantages and what shortcomings has it disclosed in the nine years of its operation? Before answering, the conditions under which the commission plan was originally adopted must be briefly reviewed.

As a consequence of more or less general agitation, the Nebraska legislature of 1911 enacted a commission plan of city government law, to become effective in any city in the state upon ratification at a special election called in response to a petition signed by 25 per cent of the voters. I promptly set in motion the machinery to procure the needful signatures in Omaha, which proved no difficult task, and commission plan government was approved by decisive majority, with no open opposition.

that they could hold on readily as city commissioners. The former included the "outs" who wanted to become "ins," the folks with accumulated grievances, the so-called "strict law enforcement" or "Sunday-school" crowd, the idealists and practical reformers who hoped for civic betterment through improved governmental methods. The city hall "machine" embraced the dominant powers backed by the "liberal" element, and the advantage of power and patronage masked behind the leadership of a mayor with admittedly great personal popularity. It was plain that though these forces might join to adopt the commission plan, they were sure after its adoption to clash in a struggle for control. It was plain, too, that the hopes of the different elements were widely divergent and their measuring-rods of success or failure by no means identical.

## DIVERGENT SOURCES OF SUPPORT

It may be asked, why was the commission plan so easily "put over?" It was because it received the combined support of usually hostile groups—the dissatisfied, the reformers and the experimentalists, all demanding "a new deal," as well as the then entrenched incumbents who confidently figured

## PUBLICITY VALUE OF COMMISSION PLAN

Strange as it may now appear, the mainspring of the commission plan movement in Omaha was a zealous desire to exploit it for advertising purposes. This explains how it came to be fathered by the local Ad Club, which devoted numerous sessions to

debating the subject and employed and paid an attorney to draft the law. That the advertising possibilities mainly should have attracted such an organization is not at all surprising when we remember that Galveston had, a little while before, reaped a golden harvest of free publicity in newspapers, magazines and public meetings from the transformation of its municipal government following the great tidal wave, and that Des Moines' commission government just at that time was being lauded in print and picture as approaching the municipal millennium. Why should not Omaha do something to draw more serious attention to its push and progress and community achievements than the projection of a "Cowboy Mayor," and what more likely to satisfy this ambition than following in the footsteps of Galveston and Des Moines? Therefore, commission plan made its formal bow under Ad Club auspices. It is entirely safe to assert, however, that the hoped-for harvest of advertising has been dismally disappointing. In the past nine years, Omaha has enjoyed its share of general publicity, good and bad, but little of it is to be credited specially to the adoption of commission plan.

#### BANISHING PARTISAN POLITICS

According to prospectus, the commission plan was to divorce the administration of municipal affairs from partisanship, draw into the public service business and professional men hitherto refusing to risk contamination in the cesspool of politics, command by its increased salaries real ability which otherwise could not be induced to leave private employment. The small-bore politicians would, we were assured, see the futility of offering themselves as candidates for commissionerships; the non-partisan ballot

would compel people to vote for men rather than for party labels, and enable them to exercise an intelligent choice for only seven instead of 17 city officers, who, being under no party obligations, would choose subordinates for fitness only, regardless of party service, and keep them alert by permanent tenure and merit promotions.

While the primary ostensibly constitutes a free field for candidates to seek nomination individually and without regard to party affiliations, the competition regularly resolves into a contest between two or three combinations arranged by the candidates themselves or by friends, or clubs, or organizations, promoting their fortunes. And in the make-up of these "slates," the party politics is never overlooked, the design being to frame a ticket enlisting support by reason of the previous party activities of those favored who have been carefully picked with a view to control after election if successful. Such "slates" sometimes carry names for seven places (never fewer than the requisite four to make a majority of the seven), and are generally revised after the primary to replace broken ranks, or to annex outsiders who have demonstrated special strength in the elimination contest, and the lines are thereupon redrawn between two "slates" of seven, those not taken into one being forced by circumstances to put up a combined opposition. Even then the successful "slate" has lost one or more weak members as against the strongest on the other side, the fallen comrades being "taken care of" later with appointive jobs exactly as under the party system. What has really transpired has been a temporary holding in abeyance of party names during the non-partisan election with a campaign waged by two new political parties specially formed for the occasion.

But election as "non-partisans" has not worked automatically to divest the commissioners of regular party attachments. For example, Omaha's commission plan government was inaugurated by retention of the previously controlling mayor and his associates who had been the beneficiaries of the local Democratic organization, or more correctly speaking, constituted the Democratic "machine." This kept in the city hall the same Democratic contingent, barring a few whom the republican minority succeeded in holding or trading. The "non-partisan" mayor, the very next year, ran for re-election as the Nebraska member of the Democratic national committee; his appointive city clerk was the Democratic county chairman who when rewarded with a federal "plum" passed his political job on to his successor in office; the city hall was the rent-free Democratic headquarters much of the time. When another mayor was installed three years ago he showed himself an equally partisan Democrat only of the other faction; he was forthwith launched by his appointees for the Democratic nomination for governor, but the move was not persisted in and he became executive committeeman of the Democratic state committee; and when the President was prevailed on to appeal to Nebraska voters for a Democrat for United States senator, the letter was addressed to Omaha's Non-Partisan Democratic mayor. After these striking examples no wonder another non-partisan commissioner last year ran and was elected a delegate to the Republican national convention, and afterwards conducted the local campaign as Republican county chairman. When a vacancy occurred owing to the death of one of the commissioners, it was at once agreed to confine consideration of the successor to be named by the Council

to applicants of the same political party.

#### THE QUESTION OF EFFICIENCY

If increased efficiency of public as of private service means better results for the money, another advantage of commission plan should accrue from more centralized and more responsible organization. The demarcation of the seven departments roughly outlined in the enabling act had to be completed by action of the commissioners.

Administrative functions were distributed among the departments in a manner to reflect the personalities of the commissioners then heading the different departments. The mayor, the repository of all appointing power under the preceding system, retained the larger part of the patronage by expanding the jurisdiction of his department to include positions regarded essential to the "organization." The public library went to the police department, because the police commissioner had once been a member of the library board, and was detached and placed under the street cleaning department when the two superintendents later exchanged places by an enforced transfer. When reassignment of departments was necessitated for a new set of commissioners, a redistribution was effected, taking from the department of public affairs the city clerk, weights and measures, license inspector, market master (added to the department of accounts and finances), custodian of city hall and auditoriums (added to the fire department), and gave it the city chemist. The municipal coal yard was allocated to the street cleaning department because it was promoted and established by its superintendent at the time he was in charge of the department of accounts and finances. The council also under-

took to transfer the asphalt repair plant from the street cleaning to the public improvements department, but reconsidered its decision in order to escape a referendum threatened by the commissioner who objected to being thus deprived of his perquisites.

In Omaha, as elsewhere, and under commission government as previously under its fire and police boards, the police department has been the storm center of controversy and the source of greatest popular dissatisfaction. The commissioner first assigned to that department had to be removed by his colleagues "for the good of the service," and the one who replaced him became so involved that he was the only one refused a renomination when he sought it. Nor has the work of that department run any smoother under his "reform" successor. The practice seems to have been to "unload" the police department with the result of making it an experiment ground for untried police officers constantly changing. At any rate, it has been the department that has drawn the most adverse criticism as compared with the others less in the limelight.

Functioning as members of the city council, the commissioners have worked together with a fair degree of harmony. The inevitable inside combination, however, controls whenever disagreements develop over questions of policy or when the personal prestige of any of the dominant clique must be upheld or defended. This combination is forced at the outset of each administration, when the choice of one of the commissioners for mayor must be made. By these trades desired administrative departments are assured to at least three other commissioners needed to insure a majority. It is exceptional, too, that the same men prove strong as executives and in the council; they may be weak in both capacities.

#### THE QUESTION OF ECONOMY

Economy is but a phase of efficiency and, it goes without saying, is also comparative. The operating expenses of the city have more than doubled during the period and the bonded debt has increased 60 per cent, excluding the issues aggregating \$12,000,000 for purchase of water and gas plants. Of course, the people have many things to show for the money—fire department motorized and its strength raised from 208 to 325 men, police force increased from 136 to 263, parks enlarged, playgrounds added, boulevards laid out, municipal auditorium acquired, municipal coal yard established, street-lighting extended, city hospitals maintained, sewers built, public highways improved by grading, paving and sidewalks.

Special consideration must also be accorded the fact that the area governed has been enlarged by annexation of South Omaha and several suburbs, and that the population served has increased from 125,000, in the 1910 census to 191,000 in the 1920 census, or by more than 50 per cent, proportionately augmenting the tasks devolving upon the municipal authorities. Incidentally it must be recalled that this period embraced the transition from "wet" to "dry," that it covered all the city's activities in connection with the World War, that it included the readjustments forced by the shortage of labor, change in living costs and sky-rocketing wages and prices, that conditions have been abnormal for commission plan cities as well as for other cities.

#### RESPONSIVENESS OF COMMISSION PLAN

Another advantage claimed for commission government is that it gives an administration more responsive to the

wishes of the people asserted through initiative, referendum and recall. In these nine years no action has been forced upon the council by initiative proceedings, but the referendum has been twice invoked, once in 1916 upon a street-lighting contract and again in 1918, as already mentioned, upon a revised apportionment of department functions. The street-lighting contract precipitated a conflict with the management of the water district which denounced this contract as an effort of the electric lighting company to block the embarkation of the water plant into the manufacture and distribution of electric energy. The appeal to the voters resulted in a decisive endorsement of the agreement entered into by the council with the electric lighting company. The second petition for a referendum was instigated by a member of the council to frustrate an alleged attempt of a combine of his colleagues "to freeze him out" of his proper jurisdiction over the asphalt repair plant; in this case, the councilmen rescinded the objectionable ordinance rather than go before their constituency on it.

While talk of recall has been almost continuous, the recall machinery has been but once set in motion. The petition, which presented the names of four commissioners to be removed and four to be substituted, reflected the resentment of certain labor organizations against "unfair treatment" at the hands of the city administration. Upon verification, the signatures proved inadequate and the demand was not pressed further.

Petitions to reopen and resubmit the adoption of the commission plan have been prepared and circulated at least twice without reaching the stage of actual filing. This demand emanated chiefly from residents of sections of the city deprived of representation by

the abolition of the system of electing councilmen from wards.

The infrequent resort to these direct vote controls does not, however, by any fair test measure the force exerted through them. The ever-present possibility of invoking a ballot-box verdict of the court of public opinion renders them potentially operative all the time as a spur upon the commissioners to respond to public demands and as a deterrent from acts calculated to arouse public wrath and resentment. This latent power of the petition back of the commission has been frequently evidenced.

#### GENERAL RESULTS

As a city Omaha has made visible progress in all directions since adopting the commission plan of government, but whether it has forged ahead faster or slower primarily for that reason is debatable. In many respects, the results have not come up to the roseate promises of its proponents and the plan itself has shown some inherent defects. The consolidation of municipal activities is incomplete, inciting conflict often where there should be harmonious co-operation. The seven commissionerships are at least two too many, producing arbitrary and illogical divisions of authority, to say nothing of unnecessary expense. The consensus of intelligent opinion is that five commissioners would do the administrative work more efficiently and discharge the council duties just as well if not better. The designation of the mayor by the commissioners after the election rather than by the voters in the election has also proved a questionable experiment. The non-partisan ballot does not guarantee invariable choice of the most experienced and dependable candidates for commissioners, and the personal equation and

individual ability of the officer invested with power and responsibility is still, under this plan as before, the determining factor in the government. The very fact that a demand for return to the mayor and council plan is occasionally heard, and that open agitation

for a trial of city manager government is right now going on with apparently increasing favor, indicates that the commission plan, although a change is scarcely imminent, is not sufficiently entrenched in Omaha to discourage advocates of other systems.

## CIVIL SERVICE AND THE POLICE

BY H. W. MARSH

*Secretary, National Civil Service Reform League*

*The secretary of the Civil Service Reform League takes issue with Mr. Fosdick, author of American Police Systems, regarding the place of civil service examinations in police administration. :: ::*

MR. RAYMOND B. FOSDICK, in his book on American police systems, published for the Bureau of Social Hygiene, has paid tribute to the civil service reform movement, but at the same time has made one or two statements which, if true, reflect seriously on the civil service systems as they exist in America to-day. He says, with respect to the application of civil service examinations for the selection of chief of police, that "civil service has too often proved a bulwark for incompetence and neglect to justify oversanguine hope in its extension to this new administrative field." However, in the next chapter he stated that "it is no exaggeration to say that civil service stands between the police and utter demoralization in the cities of the United States."

Mr. Fosdick admits again and again that the difficulty of providing a competent police force in our cities is traceable to local politics. Political influence, he says, is responsible for the constant alteration in our police machinery. Obstacles in the way of complete dominance by party machines have been overcome by the easy processes of law, and police departments have been revamped and reshaped, not in the interests

of public service, but to facilitate the operation of the spoils system or strengthen the grip of some political machine. . . . The effect of this treatment on police organizations has been peculiarly disastrous. The department has been stunted and dwarfed, with no opportunity for rational development. It has been shaped as a tool of party success, rather than an instrument of public service. Regarded as the legitimate spoils of victory at the polls, it has been prostituted to base and selfish purposes.

### WHAT IS THE MERIT SYSTEM?

Except for Mr. Fosdick's admission, more or less grudgingly made, to the effect that the civil service of the cities of the United States stands between the police systems and utter demoralization, he gives practically no recognition to the improvement in the administration of police departments generally, with the adoption of civil service regulations. He calls attention to the European treatment of the police problem, where the head of the police department is selected purely and simply on the basis of merit and fitness, and where the head has an absolutely free hand with all appointments, promotions and removals. As Mr. Fosdick says, the problem of the civil

service regulations as we know it in this country is unknown in the European police systems. There the positions are considered expert ones, and there is no question of interference by any political party or class of citizens.

Unfortunately we have in the United States with relation to the merit system an apathetic public, which so far has made it impossible to secure the appointment of experts at the top of our law-enforcement bodies. The nearest approach we have to a satisfactory solution of this lack of efficiency in our police systems is to apply the merit system as provided in our civil service laws. If our laws provide an imperfect merit system, it is to be hoped that all public-spirited citizens will take an interest in improving those laws.

The merit system is that system of appointment, promotion and removal in the civil service founded upon the principle that public office is a public trust, admission to which should depend upon proven fitness; that the public is entitled to reasonable qualifications, fair character, capacity and efficiency on the part of its official servants, that these elements are likely to be ascertained by impartial scrutiny under the safeguards of law, and that with such exceptions as may be expedient, not inconsistent with the foregoing principles, appointments to executive offices in the civil service shall be made from persons whose fitness has been ascertained by competitive examinations open to all applicants properly qualified, and that removals shall be made for legitimate cause only, such as dishonesty, negligence, or inefficiency, but not for political opinion or refusal to render party service. In the eleven states and some three hundred cities of the United States having civil service laws, it is hardly possible to find two civil service laws which make

the same provisions and which operate in precisely the same way. In other words, the civil service regulations thus far adopted in the various cities and states are none of them alike, and in many cases they differ so widely that there is no basis for a comparison. Obviously, therefore, it is unfair to criticise them all alike. Obviously, also, it would be unfair to Mr. Fosdick to take various quotations from his book in which he criticises civil service regulations in general and consider them without their relation to his book as a whole. Mr. Fosdick is, perhaps, without knowing it, an advocate of the merit system.

The civil service laws in the United States were given to the public by a grudging law-making body. The members of the law-making bodies are almost wholly the nominees of the political organizations. The political organizations have for many generations depended in large measure for continued existence upon their ability to provide government positions for their leaders, and their faithful voters. It is only in very recent years that the members of congress have been able to see the great advantage to them individually and collectively of being relieved of the necessity of providing government positions for their constituents who seek reward for party service. They are realizing more and more that every appointment secured for a constituent, while it makes a friend of the appointee, makes scores of enemies of other constituents whom they have disappointed.

The members of the state legislature are slower to see that the spoils system is a handicap to them, but in practically every legislature there are senators and representatives who would welcome a way out of the old and time-worn method of maintaining life for the political party through the distri-

bution of patronage. The application of the merit system through civil service laws is the only means that has been provided for the relief of the patronage evil, and civil service laws must remain for this purpose if for no other. Our political organizations must come to a full understanding of the folly of providing jobs in reward for party services.

#### POWER OVER REMOVALS

Because of this very political pressure which is constantly at work among our law-making bodies, our civil service laws are full of imperfections. Mr. Fosdick's principal complaint against the civil service regulation is that restrictions are placed upon the heads of the police forces in the matter of removals.

Mr. Fosdick writes:

The arrangements in Chicago and Philadelphia, for example, by which the members of the force are answerable to an independent body having no responsibility for their work and no direct concern for the morale of the department, result inevitably in divided leadership and demoralization. Similar consequences can be expected when the disciplinary acts of a police executive can be overturned on appeal to a civil service commission or other higher authority. The uncertainty of punishment, the incidental delay and the loss of respect for the nominal police head on the part of his subordinates—such factors as these go far to outweigh the value of the protection against the play of politics which such a system affords. . . . Certainly no business man would attempt to conduct a private business with such a personnel. He would be foredoomed to failure from the start.

The difficulty with the matter of removals is one which has always given much concern to those public-spirited men in the country who have made a special study of civil service regulations. The national Civil Service Reform League started out with the doctrine so epigrammatically announced

by Mr. George William Curtis, that if the front door to the civil service was properly safeguarded the back door would take care of itself; in other words, where the merit system was in force there would be no thought of restriction upon the heads of department in the exercise of the power of removal. Up to the year 1897 there was never any question as to any other policy in the federal civil service. In 1897 the League approved a new rule in the civil service which was issued by President McKinley, which in substance required a statement of the reasons for removal on the part of the removing officer and an opportunity for the employe to reply in writing. The League has at no time advocated any restriction upon the freedom of the head of a department in making removals other than the requirement that he state reasons. The League has always believed that in no case should any removal process be subjected to review in the courts. The restrictions that have been placed upon police commissioners in the matter of removals can undoubtedly be traced to the fact that the merit system has not operated in the appointment of the commissioners themselves. For as Mr. Fosdick so ably points out, the police chiefs and commissioners are in most instances appointed because of political favoritism and for the most part have proven to be totally unfit to perform the duties of their respective offices. The result has been again and again that subordinates have been brought up on trumped-up charges and unjust removals have been made and unjust disciplinary measures have been taken. The natural result has been that the subordinates through organizations of their own have presented their case to the legislature and the legislature has provided them with the most obvious remedy which was

available; namely, review of all removals in the courts. It has been with great difficulty that the organized advocates of the merit system have prevented the extension of this court review of removals to all ranks and grades of employes in the civil service in New York state and in the cities of the state. The answer to Mr. Fosdick's criticism with regard to the restriction upon removals is a simple one. The merit system must be made to apply to the police commissioner himself, and the restrictions upon removal will then, we hope, become a thing of the past.

#### PROMOTIONS

But Mr. Fosdick's specific criticisms of civil service regulations are not confined solely to the matter of removals. He says their defects are almost equally obvious in the matter of promotions. To substantiate his position in this respect, he quotes Arthur Woods, former police commissioner of New York city, who says: "Civil service examinations, even when conducted with intelligence and integrity, are not successful in putting at the top of the list the men who have done the best work." Mr. Fosdick also quotes from no less an authority than Theodore Roosevelt, who expressed himself in his autobiography as follows:

I absolutely split off from the bulk of my professional civil service reform friends when they advocated written competitive examinations for promotion. In the police department I found these examinations a serious handicap in the way of getting the best men promoted, and never in any office did I find that the written competitive promotion examination did any good. The reason for a written competitive entrance examination is that it is impossible for the head of the office or the candidate's prospective immediate superior himself to know the average candidate or to test his ability. But when once in office, the best way to test any man's ability is by

long experience in seeing him actually at work. His promotion should depend upon the judgment formed of him by his superiors.

These statements by two well-known and highly respected former police administrators are impressive and do actually represent in a measure the views of many administrators of government offices. It is undoubtedly a fact that civil service promotion examinations for such a service as that of the uniformed force of the police department do not always succeed in providing promotion for the men who most deserve it. The civil service promotion examination is capable of improvement, but this fact does not furnish an adequate reason for doing what Roosevelt and Woods have suggested; namely, turning the matter of promotions over to the head of the department, giving him an absolutely free hand. Let us consider for a moment what would happen in case this suggestion were followed.

Take, for example, a hypothetical case such as the city of Philadelphia, where after a reform administration went out with Mayor Rudolph Blankenburg, a purely political administration followed under Mayor Smith. For the sake of argument, suppose that the examination system had been suspended for promotions in the police department and the director of public safety had a free hand in making his promotions. The director of public safety might easily have attempted to build up in his department a political machine with the material provided him from the lists for original entrance to the service. He would thus be able to construct in his department an organization which would serve his own or his mayor's political ends in the next election. He could adopt any examination system of his own for the purpose of making promotions, but the chances

are that his promotions would be made purely and simply upon the basis of the political service which this, that or the other members of his force could render him. In a police force as large as that in the city of Philadelphia, to give a police commissioner the power to make his promotions in accordance with his own personal judgment would be absolutely fatal, particularly so long as the police commissioner is subject to the political influences of the party which put the mayor in office. It is sufficiently difficult to keep politics out of the administration of a police force in any of our cities as it is, but to remove all civil service restrictions in the matter of promotions could not fail to throw the police force more deeply than ever into the mire of political prejudice and manipulation. There can be but one answer to Mr. Fosdick's suggestion that civil service examinations should be done away with in the matter of promotions, and that is, "Don't do it!"

#### SELECTION OF DETECTIVES

Mr. Fosdick also finds in his book that the shortcomings of civil service are even more pronounced in their application to the detective bureau than to the uniformed rank. He says: "No written examination can fairly test the peculiar qualifications of a successful detective, such as ability to read faces, developed habits of observation, aptness in securing evidence from witnesses, and, above all, a facility in obtaining the pertinent and essential facts of a given situation." It is undoubtedly a fact that civil service examinations which have been held for members of the detective forces of our cities have resulted in the appointment of persons who are of questionable ability, if not actually unfit. It is possible that Mr. Fosdick's statement

quoted above is substantially correct and that a *written* examination for the selection of a detective is impracticable. It is not a fact, however, that a *civil service examination* is impracticable for the selection of such employes, and demonstration has been made of the practicability of such tests in the examinations conducted by the United States civil service commission for special agent of the intelligence unit, bureau of internal revenue, and for the selection of agents and inspectors under the Harrison anti-narcotic act. Examinations for the latter positions are of the so-called non-assembled type; that is, the candidates are not required to report for examination at any place, but are rated on the subjects of physical ability and training and experience on sworn statements in this application, and upon corroborative evidence which is secured through investigation by the examiner. An important part of these examinations is the oral test which follows the rating of the applications and in which a thorough cross-questioning of each candidate is given by expert examiners who have had long experience in this kind of work. The result of these examinations is the appointment of a corps of men in this particular unit of the bureau of internal revenue unexcelled in detective work throughout the country. The criminal investigation work under the Harrison anti-narcotic act is a peculiarly good demonstration of the practicability of examination for the selection of detectives, because a thorough knowledge of the provisions of the Harrison act are not so important as is the detective ability of the persons who are to do the work. The class of criminals who traffic in drugs is notoriously the most difficult class in the country to deal with. Drugs are well known as the easiest commodity to smuggle, and the most difficult commodity for govern-

ment agents to locate. And yet the men in the anti-narcotic unit have worked effectively and quietly ever since the Harrison act has been in existence, and they were actually recruited through civil service examinations of the character outlined above. Colonel L. G. Nutt, the head of the unit, has stated that he would not want to select his men through any other method than civil service examination.

It is undoubtedly true, as Mr. Fosdick says, that a better balance between civil service protection and effective leadership can be achieved than has been achieved up to the present. The police force, however, must be protected from the politician, and that protection from the politician

is much more important than it is not to rob the police executive of some of what Mr. Fosdick considers his right as an administrative head. "The unchallenged right to reject after probation any candidates who proved unsatisfactory" is a legitimate condition of acceptance of civil service examination requirements; but to restrict the civil service machinery to "the furnishing of raw material" and to leave the question of promotions entirely at the whim of the head of the department, especially as long as we have no better method than the present for appointing the head of the department, would be fatal to the efficiency of the administration of the police system generally throughout the country.

## THE NATIONAL GOVERNMENT AS A BUSINESS ORGANIZATION

BY OWEN ELY

AT the present time the office of president of the United States is of overwhelming importance. The executive has now assumed the active direction of foreign affairs and exercises a large amount of supervision over legislative and political activities, in addition to handling the routine administration of the government. Moreover, in increasing degree he must furnish the leadership in all economic emergencies and take the initiative in the solution of great national problems. He has become in every sense the "big boss" of the whole nation, the man to whom all eyes turn in time of crisis. So crushing is this weight of responsibility that President Harding has stated his intention of restoring to the legislative branch of the government a larger measure of initiative and decision.

During the administration of Presi-

dent Taft the committee on efficiency and economy which he created made numerous suggestions for the transfer of bureaus from one department to another. The entire executive organization was carefully analyzed and charted. An investigation was also undertaken as to the savings which might be obtained through the adoption of modern system and uniform office methods. The report when turned over to congress was virtually shelved by that body. President Taft might be likened to a corporation executive offering to his board of directors a practical program for increasing plant efficiency, without arousing their interest or gaining their approval. To continue the parallel, the directors were so busy playing the political stock market that they found no time to discuss administrative problems or production costs.

President Wilson during the war was given limited authority to reorganize various federal bureaus and commissions, but no fundamental changes in the departments were made—perhaps wisely so, as the legislation was purely for war purposes and will expire automatically with the technical declaration of peace.

#### PRESIDENT HARDING'S ATTITUDE

President Harding, in a recent magazine article, declared that "We must conduct a careful scrutiny of our great executive departments to plan so that similar labors shall not be duplicated and so that similar functions shall be grouped and not scattered." In several public statements he has suggested the creation of a new federal department for social service, taking in most of the functions of the present labor department and including scattered bureaus or commissions whose work lies within the sphere of practical sociology. It is evident, therefore, that the new administration intends to take some definite action toward a reorganization of the departmental service. It was recently reported that practical plans were even now being considered for a consolidation of the war and navy departments, for the relocation of various bureaus, etc.

Congress also is awake to the need of thoroughgoing reform. A strong movement is on foot to organize a department of public works, designed to supersede the interior department and to take over all governmental engineering and construction enterprises. A bill has been drafted by Senator McCormick to set up new departments of public welfare and public works, to take over certain functions now performed by the other departments, and also to transfer to the department of commerce various

bureaus or offices which should properly belong to that department.

#### AN IDEAL ORGANIZATION

It would be an interesting problem to undertake the theoretical task of reconstructing the executive department from beginning to end in the light of present-day problems, conditions and business methods. Let us imagine that we are given *carte blanche* to devise a scheme of reorganization along broad lines, without regard to the multitude of details which a formal act of congress would have to embrace. This outline will be attempted simply on the basis of logical arrangement and business efficiency, without taking into account any legal or political considerations.

An important consideration is the reduction of the size of the cabinet to efficient working proportions. The average corporation directorate numbers fifteen to twenty members, but it is usually the executive committee, consisting of four or five men, which makes the important decisions. In Paris the "Committee of Ten" was found unworkable and was finally reduced to the "Council of Four." Many other instances could be given in support of the principle that small groups of men can formulate matters of policy more efficiently than large groups. The advantage of an "executive committee," or inner cabinet, whose sole duties should be to consult with the president on nation-wide policies and problems, seems evident. The "inner cabinet" was adopted in England in order to speed up the war effort, and the adoption of the principle was strongly advocated in this country. It is true that peace-time activities do not require such great concentration of power; yet the general principle still holds good.

Nine members should be about the effective working limit of any cabinet group. It is the present size of the interstate commerce commission and of the supreme court. Seven or five might be a more workable size for administrative purposes. Let us assume, then, that our reorganized cabinet consists of the president and six cabinet members. In the following outline the cabinet is thus reduced from the present number of ten to seven members, and one of these would participate in cabinet discussions only in affairs of administration. They are as follows, in approximately the order of importance:

1. Secretary of social policies.
2. Secretary of industry and commerce.
3. Secretary of finance.
4. Secretary of foreign relations.
5. Secretary of legal affairs.
6. Secretary of national defence.
7. Executive secretary.

Is the new terminology too novel or practical? The European phraseology—secretary of state for war, secretary for foreign relations, may seem more logical, but is less euphonous. "Director" is more significant than "Secretary," but we must retain at least some connection with present familiar titles.

Possibly the first point which will impress the reader is the merging of the war and navy departments. This is advisable largely for the purpose of administrative economy, and while it would be impracticable to make such a radical change in time of war, it could easily be worked out in time of peace when congress has time to devote to the necessary legislation. Large sums could be saved by the combination of the purchasing organizations of the two departments, as was demonstrated by the work of the war industries board, which was, however, only a temporary organization.

The disappearance of the secretaries of agriculture and interior as well as the postmaster-general, is another radical feature of the program. These posts have been merged with that of the secretary of industry and commerce, to which they are closely allied. The secretary of the interior has merely the loose ends of government business and has, as is generally recognized, no logical place in a functional scheme. His various duties should be distributed to the departments where they properly belong.

The secretary of social policies is easily recognizable as the secretary of labor, but with functions considerably broadened, in line with the policy advocated by President Harding. The secretary of legal affairs is the present attorney-general, and the secretary of state has merely been designated by the correct European term of "secretary of foreign relations."

The executive secretary is a new post, the creation of which is suggested by the vast growth of the department as a business organization. In general, he would combine the posts of secretary, comptroller and statistician in the corporate form of organization. He would also take over many of the important duties which at present devolve upon the president's private secretary.

Further details of the proposed organization include the addition of a "liaison" office to each department. This term, borrowed from military parlance, indicates an inter-office and inter-departmental organization to maintain that *esprit de corps* which is now so sadly lacking in our bureaucratic régime. Its function would be primarily to combat an ancient practice known as "passing the buck." These liaison offices should furnish the "trouble men" or special agents who, though not responsible for initiating any plans or developing any

tangible programs, could "follow through" on special work and see that the end in view be not obscured by divided responsibility or lack of jurisdiction. The liaison office must not, however, be regarded as a clearing-house for *all* interoffice communications, for that would only multiply red tape. They must avoid the minutiae of rules and regulations as far as possible by right of appeal to the respective secretaries or even to the president.

#### THE CABINET POSTS

Let us take up the various proposed cabinet posts in their order:

The premier post should be held by the secretary of social policies, who will deal with all matters generally embraced in the meaning of the term "applied sociology." He will investigate the underlying causes of popular unrest—any unfair distribution of wealth or income, any lack of co-operation between capital and labor, or any widespread agitation of a politico-economic nature. He will make practical and comparative studies of our varied social phenomena, observing the effects of laws and regulations, and will report regularly thereon to the president and to congress. With such an office properly equipped and given appropriate powers, congress need not depend upon its own costly and cumbersome "special commissions" for investigation of public affairs. The secretary would also supervise all racial work, "Americanization" and education in all its branches, so far as possible with the powers now vested in the federal government. Through the distribution of facts and statistics he would give active direction and advice to progressive private organizations.

The purpose of the department of social policies would be to combine the various governmental bureaus now

dealing with different aspects of social welfare, and to round out the work which they undertake. In this connection such problems as child welfare, maternity care, public health, accident prevention and unemployment may be mentioned as coming within the scope of the new department.

The duties of the secretary of commerce and industry will, as indicated in the organization outline, be manifold. He will have under his control the present postmaster-general, whose duties do not seem important enough to warrant a cabinet post. He would also have control over railroads and shipping, co-operating with any independent bodies such as the interstate commerce commission and the shipping board. He would also have such control over natural resources—public lands, parks, forestry, mines, etc.—as is now exercised by the present secretaries of agriculture and the interior. He would have under his direction the various bureaus established to promote invention and research and to encourage foreign trade (including the consular service, transferred from the state department). In commercial parlance, he would have charge of "production," while the secretary of social policies would have control of "sales."

The secretary of finance would occupy the position of the present secretary of the treasury with little change except for the addition of a bureau to consider financial policies in relation to the budget. The administration of pensions should also be removed from the interior department to the financial department, as it is a form of expenditure requiring careful auditing, and this department has the proper facilities for such work, in connection with its internal revenue territorial organization.

The secretary of foreign relations,

who as secretary of state under the present régime occupies almost the position of premier in our governmental system, would also survive with little change, as indicated in the outline. He would, however, be given supervision over the governors of colonies, furnishing an increased amount of administrative work and relieving the president of direct supervision over colonial affairs. At present a part of our colonial work is handled by the army and navy departments, which are entirely unfitted to formulate policies, however much their aid may be required to help enforce them.

The powers of the attorney-general would be slightly enlarged for our new "secretary of legal affairs." He would report to the president upon the form and constitutionality of all proposed legislation and would also make recommendations as to prosecutions, criminal pardons, etc. The consideration of pardon cases now takes up too much of the time of the executive, and while it is perhaps best to leave the formal power of review in the president's hands, he should undertake such work only in exceptional cases.

The department of national defence, as already noted, is a consolidation of the war and navy departments under one supreme head. This would do away with the need for creating a third military cabinet post for the director of air forces, a policy which has been debated several times in congress, and which has been adopted by England and other foreign nations. The secretary of national defence would co-ordinate all military policies and administrative methods, formulating a complete program of defence against foreign invaders. He would decide on the relative amounts of expenditures for naval construction and for maintenance of a standing army, in proportion to the needs for a first and

second line of defence; and upon outbreak of war, he would be prepared to mobilize all resources in an orderly manner, eliminating any competition or jealous rivalry between the three branches of the military service.

As indicated in the chart, the secretary would be advised by the chiefs of staff of the three great defence organizations on all technical problems involving military procedure and policy. On matters affecting administration and business efficiency, however, he would possess a separate unified organization dealing with the various problems which affect in similar and equal fashion the army, navy and air forces. There would be little further occasion for bad feeling between the various branches in regard to pay or details of service, as uniform rules would be applied to all armed forces. The ordnance, supply and transportation offices of the three branches of national defence would be combined, with large saving in cost and gain in efficiency.

Finally, we have the executive secretary, whose duties would be to supervise the departmental routine in general. The work of the civil service commission would be turned over to him entirely, as would also be the question of executive appointments. The present highly inefficient system of payment, promotion and rules of service would be reformed and systematized.

The secretary would also undertake for the president various studies in efficiency and economy, for which it is now necessary to create special boards or commissions; and he would act as "aide-de-camp" to congressional committees going scandal-hunting among the departments. His department would include a bureau of public information, with an office to receive suggestions and complaints from the

public. At the present time the president and the cabinet members receive a large volume of complaints to which they are unable to give proper attention. With a bureau detailed to give special attention to these complaints and to forward them, not merely to the respective department heads, but to the particular offices which can give them the best attention, a great deal of waste time and routine labor can be eliminated.

This study may be deemed incomplete in that it makes no reference to the work of the numerous commissions outside the regular departments, such as the interstate commerce commission and the federal trade commission. Practically all this work should be brought under the general supervision of the president, who is responsible to congress for the execution of laws and the administration of national policies. The work of all of these commissions, therefore, should, so far as possible, be brought within the scope of the various departmental organizations.

#### OUTLINE OF EXECUTIVE DEPARTMENT

##### (1) Secretary of Social Policies

Economic Problems (Unfair Distribution of Wealth and Income, Proposed Remedies, Standards of Living, etc.)  
 Labor Policies (Collective Bargaining, Profit Sharing, Arbitration and Conciliation, Labor Efficiency and Standards, Employment, Legislation, League of Nations)  
 Food and Commodity Control (Maximum Prices, Distribution, Markets and Supply)  
 Racial Policies (Immigration, Naturalization, Indian and Negro Affairs)  
 Health and Sanitation (including Drug and Prohibition Laws)  
 Social Relief (Charity Organizations and Red Cross Work)  
 Public Morals (Traffic in Women, Censorship, Divorce, Criminal Statistics, Anarchy)  
 Education, Arts and Sciences  
 Liaison (intra and inter-departmental)

##### (2) Secretary of Commerce and Industry

Post Office (including Wire and Radio Systems)  
 Railroads and Highways

Shipping and Navigation (including Lighthouse and Life-Saving Services, Weather Bureau and Naval Observatory)  
 Natural Resources (Public Lands, Parks, Forestry, Fish and Game, Water Power and Mines)  
 Agriculture  
 Corporation Control (Federal Trade Commission, Trust Prosecution, Corporation Finance and Accounting)  
 Foreign Trade (Consular Service, Tariff, Trade Agreements, League of Nations)  
 Invention and Research (Bureau of Standards, National Research Organizations, Patents)  
 Census of Commerce and Industry  
 Liaison

##### (3) Secretary of Finance

Financial Policies (Taxation, Budget, Relations with Congress)  
 Administration of Government Expenditures (including Pensions)  
 Administration of Government Receipts (Customs and Internal Revenues)  
 Currency and Banking (including Federal Reserve Board)  
 Public Loans (including Postal Savings Banks, Land Banks, etc.)  
 Control of Corporate Securities and Stock Exchanges Reports, Accounts and Audits  
 Liaison

##### (4) Secretary of Foreign Relations

League of Nations (Policy and Representation)  
 Territorial Bureaus (to handle Special Problems)  
 International Law and Treaties  
 Diplomatic Corps  
 Investigation and Secret Service  
 Colonial Affairs  
 Liaison

##### (5) Secretary of National Defence

Chief of Staff for the Army  
 Chief of Staff for the Navy  
 Chief of Staff for the Air Forces  
 (The following organizations to have uniform supervision over all the armed forces, co-operating with the Chiefs of Staffs)  
 Military Policy (Use of Armed Forces in Riots, on Border, etc.; Plans for National Defence, etc.)  
 Estimates, Accounts and Statistics  
 Ordnance, Design and Standards  
 Supply, Construction and Transportation  
 Industrial Relations  
 Personnel (Draft and Recruiting, Commissions, Standards of Pay and Service, Morale)  
 Discipline (Military Dress and Conduct, Courts-martial, etc.)  
 Education and Social Activities  
 Health and Sanitation (including Red Cross)  
 Liaison

##### (6) Secretary of Legal Affairs

Proposed Legislation (Form and Constitutionality)  
 Law Enforcement (National and District Organizations)  
 Corporation Policy (Anti-Trust Prosecutions, etc.)  
 Litigation (Court Procedure)

Criminal Punishment (Penal Institutions, Pardons, etc.)	Executive Appointments (Investigations and Recommendations to President)
Civil Affairs (Relations between Federal Government, States and Cities)	Efficiency and Economy (Standards for Department Organization, Office Methods, Accounting, etc.)
Liaison	Statistics and Research (Special Reports to President)
(7) Executive Secretary	Public Information (including Library, Public Documents, Bureau of Information and Complaints)
Civil Service (Appointments, Regulations, Salaries, Morale)	Public Buildings and Grounds
	Liaison

## CITY-MANAGER MOVEMENT

### PROGRESS IN LEGISLATURES AND AT THE POLLS

BY HARRISON GRAY OTIS

SINCE the last issue of *THE REVIEW*, several changes have taken place in the status of the city-manager movement. The legislatures of Indiana and Wyoming have passed state-wide optional bills granting all cities in these states the privilege of adopting city-manager government by referendum. An optional city-manager law for cities of less than 5,000 has passed one house in Illinois. A similar act for cities of the second and third classes was before the Missouri legislature. The New Jersey bill is now before the legislature with a fair chance for passage. The bill planned by Spartanburg, South Carolina, will not be submitted at this session of the legislature, due to local controversy as to whether the commissioners should be elected at large or by wards.

Nashville, Tennessee, becomes the fifth commission-manager city of more than 100,000 population. The new charter has been approved by the state legislature, and the first election to choose a council of fifteen members will be held April 14. Under the terms of a compromise provision in the bill, the present mayor will serve as manager until the expiration of the term for which he was elected mayor, September 30, 1920, at which time the council will duly appoint his successor. The manager is to have the title of mayor.

In West Virginia the legislature has passed the act authorizing the adoption of the manager plan by Clarksburg upon referendum. In Maine a bill calling for a referendum on amending the Auburn charter is still held up in committee and another bill to permit the town of East Livermore to adopt the manager plan has been passed by the legislature. In California a bill has been introduced by Representative Long, authorizing the electors of any city to provide for the appointment of a city manager by ordinance introduced and adopted under initiative.

Lake City, Florida, on March 8 decided in favor of adopting the manager plan by a vote of 464 to 63, and the new charter will be presented to the legislature in April for approval. Punta Gorda, Florida, has likewise joined the list.

In Kansas, the city of Stockton adopted the manager plan by a substantial majority on February 21, and elected its first commission April 5. Atchison has succeeded in securing legislative approval to putting its new city-manager charter into effect at once instead of waiting until 1923, and the first commission will be elected in April. Salina, Kansas, is seeking similar authorization from the legislature.

In Michigan, Manistee voted down by a substantial majority, on March 1,

the efforts to amend its charter and abolish the manager plan. A charter revision commission will be elected on April 4 to revise the charter as to the number, term, and method of electing the members of a city commission. Mt. Pleasant, Michigan, adopted its commission-manager charter by a big majority on March 7, at which time the first commission was elected.

In Nebraska, the attempt at Alliance, to declare the election by which its city-manager charter was adopted, illegal, has failed, and the new plan becomes effective following the regulation city election in April. The report that Chadron had adopted a commission-manager charter has proved erroneous.

Greensboro, North Carolina, on March 1 changed from the commission to the commission-manager plan through charter amendment by a vote of 1,605 to 381; seven councilmen will be elected May 5, to take office on May 10. This makes the thirty-third city to advance from commission to commission-manager government.

The Ontario provincial legislature has approved the commission-manager charter recently adopted by the city of Chatham. Seven aldermen and a mayor will be elected in December, at which time the plan becomes effective.

Fairfield, Iowa, defeated proposed adoption of the manager plan February 22, by a vote of 748 to 702; and Blair, Nebraska, turned down its proposed manager charter on February 4. Garnett and Oakley, two small Kansas towns did likewise. At Alliance, Ohio, on March 29, a proposal to elect a charter commission pledged to the manager plan failed to carry.

Several charter elections are scheduled for the near future. Fort Smith, Arkansas, has been authorized by the state legislature to change from the commission to the commission-manager plan, and will vote soon. Long

Beach, California, will vote on its commission-manager charter April 14. A special charter commission is drafting a city-manager charter for Orange, Connecticut. At Stratford, Connecticut, the town meeting unanimously approved adoption of the manager plan March 19, and its new charter is being presented to the legislature for approval, with the expectation of a referendum in June. Miami, Florida, on January 21 elected a charter commission pledged to draft a commission-manager charter. Pensacola, Florida, votes on the manager proposition April 12. Fort Myers, Florida, votes on adoption of a manager charter April 21. Decatur, Georgia, which recently adopted the manager plan by amending its old charter, has appointed a special committee to draft a new commission-manager charter for submission to the legislature in June.

At Charlotte and Traverse City, Michigan, charter revision commissions are drafting city-manager amendments to be voted on shortly. Girard, Ohio, held an election March 29 for the purpose of choosing a charter commission pledged to draft a city-manager charter. Canton, Ohio, has completed its new charter and will present it to the voters in May. At Salem, Ohio, only five per cent of the voters opposed the adoption of the manager plan when petitions for an election were circulated last month. Cleveland advocates of the manager plan are trying to secure a vote on the matter this spring.

Bristol, Tennessee, is preparing a city-manager charter to be introduced into the legislature as a result of the marked contrast between the efficiency of its present commission form, and that of the manager plan, as developed by Bristol, Virginia.

In New Brunswick, Canada, the city of Fredericton is drafting a bill for presentation to the provincial legislature.

# DEPARTMENT OF PUBLICATIONS

## I. BOOK REVIEWS

**THE PROBLEM OF ADMINISTRATIVE AREAS.** By Harold J. Laski. Smith College Studies in History, Vol. IV. No. 1, 1918. Pp. 64.

In the space of sixty-four pages Mr. Laski examines the prevailing system of administrative centralization and finds it wanting. The centralized democratic state has not fulfilled the expectations of nineteenth century liberals. The English parliamentary system as conceived by Bentham has broken down. It is not adapted to the sort of economic society which we have evolved. Because the sole basis of representation has been territory, the mechanisms of government have not been related to the occupation of the average man. Local government is slowly; inertia has seized the civil service because political over-centralization has extinguished creative effort. The solution is to adapt the political organization to the present federalism of the economic system. The Whitley report recognized the federal nature of modern industry and distributes power in accordance with it. The political federalism to conform to the economic order will, therefore, be one of function as well as neighborhood. The individual will is too complex; the voter has too many group interests determining his vote, to enable a single centralized administrative structure to represent him adequately. The state must recognize these complex interests and organize itself accordingly. This will mean a different sort of a state, but it will be one which will relate itself truly to the life of the people. It will therefore be a vastly more vital thing than the present state. It will release creative effort rather than stifle it.

The above has become rather familiar doctrine. It is vague and unsatisfying at many points, but it is none the less significant and thought provoking. Its strength lies in the rejection of the "thus sayeth the law" attitude of mind and its realization that the governmental structure must adapt itself to the job in hand. The state has no divine authority. Its authority is wholly derived from the success with which it does what it sets out to do. Mr. Laski demonstrates that the "cure" in politics involves more than a budget system or a non-partisan ballot. It is a new kind of home rule.

H. W. D.

**FINANCIAL SYSTEM OF THE STATE OF OKLAHOMA.** By F. F. Blachly. University of Oklahoma. 1921. Pp. 66.

This pamphlet has just been issued by the Bureau of Municipal Research of the University of Oklahoma as Number 3 in its Studies in Government and Administration. This study cannot be better characterized, perhaps, than by quoting from the preface:

It has been the writer's object to present a picture of the state's finances, complete enough to be of service to public officials, yet simple enough to be understood by the average reader.

It is now generally realized that government is largely a business enterprise, and that modern and efficient business methods are essential to its proper functioning. The growing interest in state budgets is an important and significant indication of this point of view. Since the people of Oklahoma have already adopted the budget system, it is evident that they appreciate the need of putting the state's activities upon a business basis. This study has been prepared because of the conviction that a clear understanding of the state's taxation and revenue system, its funds, assets and liabilities, its budget system and its accounting and reporting system are absolutely essential to this end.

The subject matter has been treated under the following heads: (1) State, Wealth and Expenditure; (2) Taxation and the Revenue System; (3) The Funded Debt; (4) The Appropriation and Budget System; (5) State Funds; (6) The Accounting and Reporting System.

The legislators and citizens of Oklahoma especially are indebted to Dr. Blachly for a presentation of their financial system which is understandable and still not so detailed as to be burdensome. The rest of us are indebted, also, both for the information about Oklahoma and also for an example of what can be done to enlighten legislators and the citizens of other states.

ROY G. BLAKELY.



**HOUSING AND THE PUBLIC HEALTH.** By John Robertson. New York, Funk and Wagnalls Company. [1920.] Pp. 159, with 12 diagrams.

This volume in the English Public Health Series, written for English readers, well deserves an American edition, because of its simple and convincing style and broad outlook on the prob-

lem. The author does not hesitate to assert that his experience as medical officer of health for Birmingham proves that "no single condition in the lives of the masses has such a damaging effect on health, or does harm in so many other ways, as bad housing," and also that "these people (except perhaps a negligible minority) will respond to improved conditions." He lays especial emphasis on a reasonably good environment as an essential to good housing. It is not enough to have a sanitary house; the general sanitation, convenience, and amenity of the neighborhood are equally important. "Women and children, at any rate, should be able to escape at frequent intervals from the awful monotony of soot-begrimed bricks and mortar, and it should be possible for them, therefore, to get without difficulty into playing spaces or parks which are green and pretty. Much of the stunted and degenerate mental outlook of the slum-dweller is due to the absence of pleasant surroundings to his dwelling."

Dr. Robertson does not consider that the tenement house meets the requirements for satisfactory family life. His book is based on what he himself calls a rather high minimum standard of cottage housing, but this is scarcely as high as our federal government standards evolved during the war. He welcomes compulsory planning provisions for all housing schemes on undeveloped land, and sees in the 1919 housing and town planning act (at the time of his writing still a bill before parliament) the way to a general plane of excellence in housing never before reached in England. A power under the 1909 act, which he thoroughly commends, is that which we call *zoning* in America; and he points out that there is no similar power to limit the uses of land in built-up districts of towns, where the gradual exclusion of industries from residential areas would be conducive to far better conditions of amenity and sanitation.

A point which Dr. Robertson makes is particularly *à propos* of various discussions current in our periodical press at the present time;—like Mrs. Barnett, he advocates "mixing the classes," and urges that in any housing scheme areas of houses for the lower rentals should be adjacent to groups of houses for those who are better off.

The book contains examples and statistics to prove the health-value of housing, and the experience of the war is adduced to reinforce municipal

figures. American readers can equally take to heart the lessons which Dr. Robertson draws from such facts.

THEODORA KIMBALL.



CONTEMPORARY FRENCH POLITICS. By Raymond Leslie Buell. New York: D. Appleton and Company, 1920. Pp. 524.

Mr. Buell, the author of this book, went to France as a member of the American Expeditionary Force. At the close of the war he made a careful study of contemporary French politics. He succeeded in gathering a wealth of material on French parties, their programs, and their methods of action, which have always been baffling to the American student.

Three main subjects are treated: political parties, recent movements for political reform, and the French attitude toward the peace treaty and the League of Nations.

Probably the most valuable part of the book is that which deals with the French party system. The first chapter sets forth the principles for which the parties stand; the second shows how the multiple party system causes ministerial instability and the dominance of parliament; the third traces the history of party groupings before the war and the sacred union formed in the fall of 1914; and the fourth explains the realignment of parties that followed the signing of the armistice, the outstanding feature of which was the formation of the National Republican bloc, an alliance of "bourgeois" parties, for the purpose of defeating the Socialists now under the control of extremists favoring a revolution of the Russian type.

It is interesting to know that there are groups in France that strongly advocate the introduction of the American system of the separation of powers, an independent and powerful president and a supreme court with power to declare laws unconstitutional. There is an interesting chapter on the movement for professional representation or government by interests, and another on what is termed regionalism. The highly centralized government of France administered by a large body of state officials has, in the author's opinion, not only proved intolerably inefficient, but has also deprived French citizens of the training in civic responsibilities which local self-government affords.

ELMER D. GRAPER.

*Columbia University.*

## NOTES AND EVENTS

### I. GOVERNMENT AND ADMINISTRATION

**City Plan Legislation in Indiana.**—The city-planning and the zoning bills went sailing through the legislature with no opposition of any kind. They were introduced very late in the session, but had a lively public sentiment back of them from all of the cities in the state. Both bills are purely optional, leaving it to the council of the various cities to create a city-planning commission or to pass a zoning ordinance. The commissions shall consist of nine members, serving without pay, made up of five citizens appointed by the mayor, and a member of the common council, a member of the park board, the president of the board of public works and the city engineer. In the smaller cities the commission may consist of seven. Its powers are purely recommendatory except in the case of the approval of plats of real estate. It is authorized to make surveys, studies and plans with reference to the layout of streets, alleys, parks, boulevards, bridges, public buildings, transit lines, etc., for the purpose of creating co-ordinate plans for the orderly development of the city. The law provides a tax levy of not less than three nor more than eight mills on each 100 dollars of taxable property for city-planning purposes.

The passage of the zoning ordinance is optional with each city. This law delegates to common councils of all cities the power to pass ordinances regulating by districts within the city the height and size of buildings, the area of yards and open spaces about buildings, the use of buildings and other premises for the purpose of promoting the public health, safety, convenience and general welfare.

For some time there has been an interest in Indiana in city planning. Several cities have been proceeding without definite authority from the legislature. Gary has been operating through an unofficial commission and Marion has recently had studies prepared.

ROBERT E. TRACY.

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**Zoning Constitutional in New Jersey.**—The constitutionality of the Cliffside Park zoning ordinance, framed by Herbert S. Swan, was recently attacked in the supreme court of New

Jersey through a *certiorari* proceeding. The prosecutor alleged the ordinance to be illegal on the following grounds:

1. That the objects of the ordinance were not those which could be attained through the exercise of the police power;
2. That if the objects of the ordinance came within the purview of the legislative power, they could be accomplished only through the exercise of the power of eminent domain;
3. That if the ordinance was based upon the power of eminent domain, it was defective in that it did not provide compensation to the property taken;
4. That the ordinance attempted to take private property for private use; and
5. That the ordinance took private property without due process of law.

The case was argued by the borough attorney, Arthur M. Agnew. Herbert S. Swan was retained to prepare the brief on the constitutionality of the ordinance.

The opinion handed down by the court through Mr. Justice Parker upheld the legality of both the ordinance and the legislative act under which the ordinance was enacted and the writ of *certiorari* was dismissed as being premature, since the prosecutor did not appear to have been prevented from erecting any building intended for a prohibited use or from carrying on any prohibited business.

The opinion is important in that it is the very first on zoning to be handed down by a Jersey court.

\*

**New York's Radical Traction Measure Passes.** The New York transit commission bill has become a law. It is a drastic measure. Invoking the sovereign police and regulatory powers of the state, it concentrates in three state commissioners all the powers over local transportation in New York city which it would be in the power of the legislature to confer.

Traction matters in New York city are complex and have drifted for a number years. The need for thorough investigation and for the development of a plan has been apparent. This bill seeks to cut the Gordian knot. Without

securing any local consent, other than that of the companies, the commission will have power to re-write the subway contracts, although the city holds title and has invested about \$300,000,-000. It can put its own valuation on the surface lines and force the city to take title to them. In doing so it can contract for operation on the cost-plus basis, and bind the community for a generation. It can grant temporary fare increases pending the working out of its permanent plan.

New York business men expect the commission to perform miracles. The city administration is hostile and will litigate. Some organizations, such as the City Club, oppose the complete abrogation of home rule and fear that the outcome may be more effective in meeting the fiscal requirements of the companies than in providing for present and future needs of the community.

RAYMOND V. INGERSOLL.



**Tennessee Passes City Plan Laws.**—In March, 1920, Memphis, Tennessee, passed an ordinance creating a city plan commission. This commission was subsequently appointed, and submitted to the legislature in January, 1921, four bills which have since been passed and signed by the governor. They are as follows:

(1) An act to provide for the establishment, government and maintenance of a city plan commission, giving to that commission the usual powers and duties of study and recommendations, but vesting such commission with jurisdiction over land subdivision.

(2) An act authorizing the establishment of building lines on streets.

(3) An act providing for the approval by municipal authorities before filing of plans, plots and replots of all lands within the city limits.

(4) An act providing for the establishment of districts or zones regulating the use or uses of land, the height, area, size and location of buildings, and providing for a board of appeals.

Each of these acts applies to cities having a population in excess of 160,000 inhabitants by the federal census of 1920.

HARLAND BARTHOLOMEW.



**Nashville's New Charter.**—Nashville, after experiencing the trials and vicissitudes of commission government, has secured a new charter from the legislature which is a cross between the

city-manager form and the strong mayor and council plan. A council of fifteen elected by wards, and a mayor elected by the council for an indefinite term with power to appoint subordinate administrative heads and boards, subject to confirmation by the council, are the outstanding features. The administrative organization under the mayor (who is to resemble a city manager) is a hit and miss affair and cannot be said to be departmentalized along modern lines. The present mayor was named mayor until the term for which he was elected expires. A board of public works was created to take care of the present commission until their terms expire. The duties of this board are uncertain and little more than advisory to the mayor.

The charter has numerous checks and balances from which the pure city-manager plan is happily free. It will work better than the old commission government, however.



**New Optional City-Manager Laws.**—Indiana and Wyoming have adopted optional city charter laws permitting the manager form of government on vote of the municipality. Both measures provide the standard manager type. The Indiana law provides a choice between the commission and the manager plans. Already more than fifteen cities have begun efforts to take advantage of the new privilege.

A permissive city-manager law for third-class cities passed in Missouri at the session just closed. It is yet too early to know the fate of similar permissive laws in Pennsylvania, Illinois, and New Jersey, although the chances of success are not bright.

South Dakota modified her city-manager law by defining more clearly the duties of the city manager and his relation to the commission and mayor. The original permissive statute grafted the manager on existing forms and was therefore rather unworkable. As finally passed, however, the law misses the point of the plan entirely by providing that all officers and employes shall be appointed by the governing board of the city.



**Cleveland Regulates Electric Signs.**—Cleveland has amended her billboard ordinance to include detailed regulations of electric signs and signs on marquees and porticos. By this recent amendment electric signs attached to the face of a building are limited to 150 square feet in area and electric signs substantially parallel to the face of a building and projecting over public

property are limited to 100 square feet in area and may not project more than two feet over public property. Electric signs attached at angles may not project more than six feet, measured along the sign and not more than one-half the width of the adjacent sidewalk. Electric signs must be lighted by a sufficient number of lamps to give ten candle power of light for every square foot of sign area and all such signs must be kept lighted until eleven o'clock every night. Electric signs on marquees or porticos must be built as an integral part of the marquee or portico and plans and specifications must be approved by the commissioner of buildings and the director of public service.

H. J.



**Kalamazoo Votes to Revise Charter.**—Following the resignation of Mr. H. H. Freeman, city manager of Kalamazoo, the people voted at an election on April 4th, on two propositions:

- (1) Shall there be a general charter revision?
- (2) Shall the charter be revised to provide for a form of government similar to that in effect prior to April 1918 (the mayor-aldermanic plan)?

At the same election a charter revision commission of nine members was elected.

Future developments in Kalamazoo will be watched with interest since no city which has adopted the city manager plan by charter has yet reverted to its old form. The proposal to adopt the mayor-aldermanic form was carried by about 600 votes or approximately 1400 less majority than the general revision proposition received.



**New York Rent Laws Sustained.<sup>1</sup>**—These laws, it will be remembered, prohibited increases in rent except when such increases were adjudged reasonable by the courts and prevented the eviction of a tenant at the expiration of his lease unless proved objectionable, or unless the owner wished the rooms for his own family, or was about to destroy the building to make room for new construction. In the case of *People vs. LaFetra*, the laws were recently sustained by the New York Court of Appeals, the final court of the state, as a legitimate use of the police power. The opinion held that an emergency existed in which "private contracts must yield to public

<sup>1</sup>For full description of the laws see NATIONAL MUNICIPAL REVIEW, Vol. IX, p. 762 (December, 1920).

welfare." Appeal has been taken to the Supreme Court of the United States.



**County Government.**—In the Louisiana constitutional convention there are signs of an unusual amount of disposition to alter the county (parish) governments. Eight measures have been introduced proposing the commission form of government. Delegate Henry C. Hardtner is pressing for the commission-manager principle.

In Michigan the important county home rule amendment passed the Senate March 10, but with a modification that postpones submission to the people until 1922.

In Wisconsin the Summerville bill permitting counties outside of Milwaukee to adopt the commission form of government passed the Assembly March 17 by a vote of 50 to 36.

In Washington a measure giving counties choice of commission or county-manager plan has passed the Senate unanimously.



**Salary Adjustments and the Cost of Living.**—According to the February *Monthly Labor Review*, St. Paul, Minnesota, has adopted a plan in several of its departments for adjusting salaries on January 1 each year in accordance with changes in the index figures published currently by the Bureau of Labor Statistics.

This policy is in line not alone with what a few progressive employers have done since the war, but also with what is accepted practice in many branches of public service in England. The February issue of the *Local Government Service*, the official organ of the National Association of Local Government Officers, describes the bonus scheme adopted for the permanent civil servants. It provides for a revision of the bonus every six months in accordance with the official cost of living index figures.

W. E. MOSHER.



**South Dakota Home Building Loan Authorized.**—The South Dakota legislature has created a home building department to lend money for use in building homes. Bonds to the extent of \$500,000 may be issued during any biennial period, the proceeds to be loaned to builders to the sum of 80 per cent of the cost of building the home. The amount to be loaned to one person, however, shall not exceed \$4,000 and shall be payable in twelve years at a rate

not to exceed 1½ per cent above the rate paid by the state on the bonds.

\*

**More Constitutional Conventions Brewing.**—The Colorado legislature has referred to the people a proposal to call a constitutional con-

vention. It will be voted on at the next general election, November, 1922.

As we go to press, the Pennsylvania Senate has passed a similar resolution. It is an administrative measure and, if passed by the House, will be voted on next autumn.

## II. JUDICIAL DECISIONS

**Liability of City for Injury to Employees.<sup>1</sup>**—The city of Yonkers placed one of its automobiles in the control of the city engineer. The city assessor, wishing to go to a distant part of the city for the purpose of transacting certain official business, asked the engineer to take him there. Due to a defect in its steering apparatus, the car was overturned and the assessor was killed. Action was brought by the widow for damage on the theory that the city should have inspected the car. To this the court held that the deceased was in the position of a licensee and as such the city did not owe any duty to inspect the steering apparatus. Further, the court indicated that even though such a duty did exist, it would not have been liable in this case because it was acting in a governmental capacity.

\*

**Letting Contracts to Lowest Bidder.<sup>2</sup>**—When the charter of a city required that improvement contracts should be let to the lowest bidder, and the city invited bids requiring each bidder to furnish his own specifications for any hard surface pavement, it was held that the proceeding was void, as there was no direct competition on the basis of fixed specifications, and the contract with the lowest bidder was void. The court said: "It is well settled . . . that a previously fixed standard, to which various proposals may be referred for comparison, is an essential ingredient, where the contract is to be let to the lowest bidder."

\*

**Special Assessment on Improvements.<sup>3</sup>**—Landowners on an island were assessed for a roadway built on the mainland, where their property was isolated from and inaccessible to the street, which could only be reached by a bridge, estimated to cost a very large sum, over a navigable waterway, subject to control by the federal government and the building of which was not contemplated in the near future. Held, that the

assessment was invalid because the benefits were too remote.

†

**Submission of Amendments to Electors.<sup>4</sup>**—Pursuant to the Michigan constitution relating to initiatory petitions for submission to the electors of a proposed constitutional amendment, a petition in proper form was filed in the office of the secretary of state. The secretary of state refused to submit the amendment to the electors on the ground that the amendment, if passed, would violate the federal constitution. The plaintiff appealed for a writ of mandamus to compel such submission. Held, three judges dissenting, the writ should be granted.

†

**Right to Remove News Stands from Streets.<sup>5</sup>**—The city of Buffalo authorized the erection by a private company of twenty-five news stands, 2 by 5 feet, with a top covering, in the streets of the city. It was contended that such stands were serving a public convenience, and were not substantially interfering with traffic. The supreme court issued a writ of mandamus to the city council ordering their removal. The court said: "It is conceded that a municipality has no right or authority to grant a license for the use of the public streets in an unlawful and illegal way, and that, if the news stands in question are unlawful and constitute an obstruction, it makes no difference whether or not they were authorized by the city of Buffalo, or how long the city has permitted them to be so used, for a city holds the streets for the public use of all the people."

†

**License for Use of Streets.<sup>6</sup>**—Though a municipality has no inherent power to license any occupation, or require the payment of a tax for engaging in it, it has power to impose such conditions for grant of the use of its streets, as it may deem for the best interests of the public, and for such purpose may require contribution from a

<sup>1</sup> *Carroll v. City of Yonkers.* 184 N. Y. S. 847.

<sup>2</sup> *Montague, O'Reilly v. Milwaukee.* 193 Pac. 824.

<sup>3</sup> *City of Seattle v. Peabody.* 192 Pac. 961.

<sup>4</sup> *Hamilton v. Vaughan.* 179 N. W. 553.

<sup>5</sup> *People v. Buck.* 184 N. Y. S. 210.

<sup>6</sup> *People v. Chicago Motor Bus Co.* 129 N. E. 114.

public service company, as a motor bus company for grant of authority to use certain streets.

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**Auditing Proper Village Expense.<sup>1</sup>**—Where the financial affairs of a village were in a chaotic condition, with records missing, taxes unpaid, or improperly and inaccurately entered, and no

satisfactory system for keeping the accounts is in use, a contract to audit and to establish a system of accounting with a firm of public accountants was held to be a proper "village purpose" and not unlawful.

ROBERT M. GOODRICH.

*Detroit Bureau of Governmental Research, Inc.*

### III. GOVERNMENTAL RESEARCH CONFERENCE

The officers of the Conference acting under authority delegated to them at the Indianapolis meeting, have tentatively accepted the invitation of the Philadelphia Bureau of Municipal Research to hold the June conference in that city. The dates selected are June 2, 3 and 4. An expression of opinion from members of the Conference as to this time and place is invited.

In accordance with the plans of the Conference, the chairman, in the past few months, has visited the bureaus at New York, Philadelphia and Detroit. The secretary has visited the Minneapolis bureau.

The Rochester bureau has recently published a report on the administration of the bureau of buildings in that city. This report is believed to be an excellent contribution to the sparse literature on the subject of building regulation.

The Philadelphia bureau has been considering membership in the Philadelphia Community Fund. Three bureaus—Toronto, Cleveland and Detroit are receiving their financial support through the city-wide fund organizations in their communities.

Mr. J. W. Routh, director of the Rochester bureau and chairman of the Conference, announces his resignation from the bureau, effective May 1. It is understood that a Rochester man will be Mr. Routh's successor. Mr. Routh's plan will be announced later in the year.

A special committee of the St. Paul Association has been appointed a board of trustees to finance and conduct a bureau of governmental research. Mr. C. B. Herbert of Detroit is in charge.

The trustees of the Philadelphia bureau published a series of advertisements in the Philadelphia newspapers in October and November, 1920, to acquaint Philadelphians more fully with its nature, accomplishments and program. A number of reprints have been placed in the central office of the Conference and should be of material aid in promoting the establishment of new bureaus of governmental research.

A bureau of municipal research has been definitely organized and adequately financed in Des Moines, Iowa. Mr. Clarence M. Young is the executive secretary. The offices are located at 1125 Fleming Building.

The Illinois Municipal League, at its annual meeting in February, adopted the recommendations of a special committee on uniform accounting classification. The report of the committee presented at this time dealt with a uniform classification for receipts and expenditures. Steps are now being taken to put the classification into use in all Illinois cities.

Mr. C. Roy Hatten has resigned as secretary of the Grand Rapids Citizens' League and is now connected with the Commercial Finance Corporation. Lieut. Russell F. Griffen, who has been with the League for two years, has been elected secretary.

Provision has been made in the present session of the Michigan legislature for the reorganization of the state administration. The legislative provisions follow in general the recommendations of the report of Dr. William H. Allen and Mr. Gaylord Cummin of the New York Institute for Public Service, prepared for the Committee to Promote Reorganization of Michigan State Government and financed by the Michigan Community Council. Up to the present time it has not been possible to abolish constitutional offices. For that reason an administrative board, composed of all elective officers has been created to have supervision over all the departments of the state government, a veto power resting in the governor. This is admittedly a makeshift. On the administrative side it is proposed to abolish nearly one hundred ex-officio commissions, as well as other boards and departments, and to substitute for them eight or ten state departments, to some of which honorary boards will be attached. Administrative power will rest with a single paid full-time officer in each case.

The city government of Boston has granted

<sup>1</sup> *Gaynor v. Village of Port Chester.* 129 N. E. 657.

the finance commission an appropriation of \$9,000, to make a study of municipal and county pensions. The work has been started and the commission plans to issue its report sometime at the latter end of the present year. The commission is also studying the substitution of oil-burning apparatus for coal-heating apparatus in the larger buildings of the city.

The city of Boston, on January 1, 1921, discontinued its separate support and maintenance of delinquent and wayward boys. The care of these juvenile male charges has been transferred

to the state and the city relieved of the independent expense of their maintenance. Hereafter Boston will pay 30.1 per cent of the cost of maintaining wayward and delinquent boys sent to reform schools from Boston. This percentage is the proportionate part which it pays for all state charges. In 1914 Boston abolished the parental school for incorrigible truants, so that with the abolition of the Suffolk school all juvenile delinquents have now been transferred to the central control of the state authorities.

ROBERT T. CRANE.

#### IV. MISCELLANEOUS

**Cleveland Survey of Criminal Justice.**—In December, 1920, the Cleveland Foundation Committee received invitations from the Cleveland Bar Association, the Chamber of Commerce, the Welfare Federation, the League of Women Voters, the Federation of Women's Clubs, the Community Betterment Council and a number of other organizations asking that a survey of the administration of criminal justice be made by the Foundation. After consideration by the Foundation Committee a survey of the kind indicated was authorized and Roscoe Pound, dean of the Law School of Harvard University, and Felix Frankfurter, professor of law in the same institution, were engaged to conduct the survey. Under the plan which they made for the survey five main divisions will be undertaken,—Police, Prosecution, Court Administration, Penal Treatment, and Medical Relations. The following men were selected to conduct the study under each of these divisions:

**Police**—Raymond Fosdick, author of "The American Police Systems," and as his assistant, Leonard V. Harrison.

**Prosecution**—Alfred Bettman, formerly city solicitor of Cincinnati and more lately special assistant to the attorney-general of the United States in charge of the enforcement of the espionage act. Mr. Bettman is assisted by Mr. Howard Burns of Cleveland.

**Court Administration**—Reginald Heber Smith of the Boston bar, special author of "Carnegie Corporation Report on Justice and the Poor." Mr. Herbert Ehrmann was selected as his assistant.

**Penal Treatment**—Mr. Burdette G. Lewis, state commissioner of New Jersey, for correction institutions and agencies.

**Medical Relations**—Dr. Herman Adler, state criminologist for Illinois.

The survey was started in January, and it is intended to complete the work by July 1.

It is intended that this survey shall indicate generally and specifically the shortcomings of the administration of justice as applied to the treatment of the offender in Cleveland. It will also recommend the changes both in law and in administration.

This survey is the first comprehensive attempt to study the whole problem of treatment of the offender in a great modern city. It should prove of not only local interest and value but should, under such competent direction, set up a standard which will be of inestimable value to the rest of the country.

RAYMOND MOLEY.<sup>1</sup>



**Organize to Co-ordinate Teaching of Social Studies.**—At the recent meeting of the department of superintendence of the National Education Association at Atlantic City those who are interested in the teaching of history, economics, government and sociology, organized a national council for the social studies, the object of which is to bring about co-operation among the committees on teaching of the various associations represented. One of the chief obstacles to effective work in the social studies in the schools is the conflicting and confusing counsels which are offered to the school administrators by the protagonists of the several fields of university scholarship. It is hoped that those who represent the social studies will welcome this movement toward federation. The officers elected

<sup>1</sup> Director, Cleveland Foundation.

for the first year are A. E. McKinley, professor of history in the University of Pennsylvania and editor of the *Historical Outlook*, president; R. M. Tryon, professor of history in the University of Chicago, vice-president; Edgar Dawson, professor of political science in Hunter College, secretary-treasurer; and Earl U. Rugg, of Teachers College, Columbia University, assistant secretary. An advisory council and an executive committee will be appointed representative of the various strata of school administration and of the organizations which look after the development of scholarship in history, economics, political science, and sociology.



The Civic Tour to Europe, to be conducted by Intercollegiate Tours under the active direction of Dr. John Nolen, will sail about June 7. Dr. Lent D. Upson, director of the Detroit Bureau of Governmental Research, and well known to readers of the REVIEW, will accompany the tour as a representative of the National Municipal League. Mr. Albert A. Bailey, educational manager of Intercollegiate Tours is taking steps to secure the full co-operation of our consular agents, as well as the co-operation of European civic associations, in order to smooth the way for the visit.



Detroit Bureau Issues Legislative Bulletin.—The Detroit Bureau of Governmental Research is issuing a weekly legislative bulletin reporting the activities of the state legislature. Measures of state-wide importance are reported as well as those relating particularly to Detroit or Wayne County.

The bulletin is a disinterested report free from any lobbying on proposed legislation.

\*

**International Union of Cities Organized.**—The International Union of cities has been organized, with headquarters at Brussels, to aid in the development of towns and cities throughout the civilized countries. It is the purpose to establish a general central office as a clearing house for information regarding all sorts of municipal endeavor. A very careful system of documentation and indexing has been worked out so that data on any subject can be furnished promptly. Mr. Stephen Child has been delegated to look after the interests of the Union in America.



**An Ambitious Southern Town.**—Warrenton, North Carolina, although a little town with less than a thousand people, has a railroad three miles long connecting it with the seaboard air line, a water works, electric light plant, ice plant and opera house, all owned and operated by the municipality. The municipality is also building a modern hotel to cost \$140,000, to be met by a bond issue, and plans to establish a municipal laundry.



**State Bulletin** is the name of the magazine published by the newly organized New York State Association, of which Adelbert Moot of Buffalo is president and Robert Moses of New York is secretary. The *Bulletin* is published bi-weekly during the legislative session and monthly the remainder of the year. It is a mine of information on New York matters.



**Annual City Planning Conference.**—The National Conference on City Planning is to meet this year in Pittsburgh, May 9, 10 and 11. All the leading figures in the city-planning circles will be assembled on that occasion.

# CITY MANAGER PLAN

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